

Also, petition of citizens of South Knoxville, Tenn., relative to alcoholic trade in Africa, and to prevent the sale of opium, intoxicants, etc., to undeveloped and child-like races—to the Committee on Alcoholic Liquor Traffic.

By Mr. GILLETT of Massachusetts: Petition of Women's Baptist Foreign Missionary Society of Boston, Mass., and Rockland (Mass.) Woman's Christian Temperance Union, favoring the passage of the Gillett bill for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. GRAHAM: Petition of Allegheny County Woman's Christian Temperance Union, of Allegheny, Pa., Mrs. H. H. Forrest, president, favoring the passage of the Gillett bill for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. GREENE of Massachusetts: Petition of Woman's Christian Temperance Union of North Westport, Mass., favoring the passage of the Gillett and Littlefield bills for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. GROW: Petition of Mrs. Eliza Y. Henderson and others, of Philadelphia, Pa., and vicinity, favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. LOUD: Petition of Baptist Ministerial Union of San Francisco, Cal., and vicinity, favoring the exclusion of alcoholic liquor from countries inhabited chiefly by native races—to the Committee on Alcoholic Liquor Traffic.

By Mr. MERCER: Petition of F. M. Castetter, of Blair, Nebr., with reference to revenue reduction—to the Committee on Ways and Means.

By Mr. NAPHEN: Resolutions of National Bank Cashiers' Association, Boston, Mass., against taxing bank capital and against stamp tax on bank checks—to the Committee on Ways and Means.

Also, petition of Taggers' National Protective Association of Boston, Mass., for increase of salaries and other measures—to the Committee on Agriculture.

By Mr. RICHARDSON of Alabama: Petition of Elizabeth A. Smith, of Florence, Ala., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, papers to accompany House bill for the relief of John D. Chadwick, of Madison County, Ala.—to the Committee on Claims.

By Mr. RIXEY: Paper to accompany House bill for the relief of John Young, of Loudoun County, Va.—to the Committee on War Claims.

Also, papers to accompany House bill for the relief of William Ketland, of Alexandria, Va.—to the Committee on War Claims.

By Mr. RYAN of New York: Petition of Iron Molders' Union, No. 13, of Buffalo, N. Y., for irrigation of arid lands, and Government to give title to none but actual settlers on any public lands—to the Committee on the Public Lands.

By Mr. WILSON of Idaho: Petition of Woman's Relief Corps, No. 5, Department of Idaho, Grand Army of the Republic, asking that a branch of the National Soldiers' Home be established at Coeur d'Alene, Idaho—to the Committee on Military Affairs.

SENATE.

THURSDAY, February 14, 1901.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. PRITCHARD, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

FRENCH SPOILIATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the clerk in the cause of Joel G. Higgins, administrator of Richard Higgins, deceased, vs. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

✓ EVENING SESSION ON DISTRICT CODE BILL.

Mr. PRITCHARD. I ask unanimous consent that the Senate shall take a recess from 5.30 this afternoon until 8 o'clock this evening, the evening session to be for the purpose of reading the District code bill, no amendments or other matters to be considered.

The PRESIDENT pro tempore. The Senator from North Carolina asks unanimous consent that at 5.30 the Senate shall take a recess until 8 o'clock, the evening session to be for the purpose of reading the bill known as the District code bill, no amendments to be acted upon and no other business to be transacted.

Mr. TELLER. I did not understand what is to be read this evening.

The PRESIDENT pro tempore. The District code bill.

Mr. TELLER. I thought it was read last night?

The PRESIDENT pro tempore. The reading was not completed last night. Is there objection to the request of the Senator from North Carolina? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 854) for the relief of Lieut. Horace P. McIntosh;

A bill (S. 5023) to extend the privileges of the seventh section of the immediate-transportation act to New Bedford, Mass.;

A bill (S. 5364) to establish a light and fog station at Point Dume, Los Angeles County, Cal.;

A bill (S. 5404) to extend the privileges provided by an act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, as amended; and

A bill (S. 5814) to authorize the Louisville and Nashville Railroad Company to construct, maintain, and operate a bridge across the Choctawhatchee River at Geneva, Ala.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 6240) for the preparation of plans or designs for a memorial or statue of Gen. Ulysses S. Grant on ground belonging to the United States Government in the city of Washington, D. C.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

H. R. 12258. An act granting a pension to John H. Doremus; and

H. R. 13058. An act granting an increase of pension to Ezra S. Pierce.

PETITIONS AND MEMORIALS.

Mr. QUARLES presented a petition of sundry citizens of Wisconsin, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was ordered to lie on the table.

He also presented the petition of the Pattern Makers' Association of Milwaukee, Wis., praying for the enactment of legislation to regulate the hours of daily labor of workmen and mechanics, and also to protect free labor from prison competition; which was referred to the Committee on Education and Labor.

Mr. THURSTON presented sundry petitions of citizens of Wakefield, Blair, Alma, Linwood, Osmond, Waverly, Murdock, Cedar Bluffs, Danbury, Omaha, Westpoint, and Brock, all in the State of Nebraska, praying for the repeal of the revenue tax on bank capital and bank checks; which were ordered to lie on the table.

He also presented a petition of sundry citizens of Omaha, Nebr., and a petition of sundry citizens of Pender, Nebr., praying for the enactment of legislation to prohibit the sale of intoxicating liquors, firearms, and opium to the inhabitants of the New Hebrides and other islands; which were referred to the Committee on Foreign Relations.

Mr. SIMON presented the following joint memorial of the legislature of Oregon; which was ordered to lie on the table and to be printed in the RECORD:

Senate joint memorial No. 8.

To the honorable Senate and House of Representatives in Congress assembled:

Your memorialists, the senate and the house of representatives of the State of Oregon, respectfully represent that there exist throughout the United States persons, firms, and corporations engaged in the business of manufacturing adulterated and unwholesome foods, whereby the lives of our inhabitants are greatly endangered, and the consumption of the same has become a serious menace to the public health; and

Whereas it has become a difficult matter for the public to distinguish from appearances between articles of food composed of inferior and unwholesome materials and those of wholesome and healthful ingredients; and

Whereas, by reason of the fraud and deceit practiced on the public by the manufacture of said adulterants, the honest producers of pure and wholesome foods are unable to compete with said manufacturers, and an unfair advantage is thereby taken of them, and many branches of industry in the State of Oregon and various other States, are seriously affected by reason thereof:

Now, therefore, in the interest of the public health and the welfare of our people, and for the protection of honest production and manufacture of healthful and wholesome articles of food, we ask that the Congress of the United States shall pass, without delay, such laws governing and regulating the production and sale of articles of food as will accomplish the end sought by this memorial.

STATE OF OREGON, County of Marion, ss:

I, S. L. Moorhead, chief clerk, hereby certify that the above is a true and correct copy of the original now on file in the office of the secretary of state.

S. L. MOORHEAD, Chief Clerk.

Mr. McMILLAN presented a petition of Cooper Lodge, No. 114, International Association of Machinists, of Owosso, Mich., praying that all the remaining public lands be held for the benefit of the

whole people, and that no grants of title to any of these lands be made to any but actual settlers and home builders thereon; and also for the construction of storage reservoirs to save the flood waters of the country now being wasted, etc.; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. FOSTER presented a petition of sundry citizens of Alaska, praying that an appropriation be made for the completion of a military road from Valdez, Alaska, to Eagle City; and also for the completion of a telegraph line between those places and to intermediate points; and that the road may be used as an all-American route for carrying the United States mails, etc.; which was referred to the Committee on Military Affairs.

Mr. COCKRELL presented a petition of West End Lodge, No. 18, Brotherhood of Locomotive Firemen, of Slater, Mo., praying that all the remaining public lands be held for the benefit of the whole people, and that no grants of title to any of these lands be made to any but actual settlers and home builders thereon; and also for the construction of storage reservoirs to save the flood waters of the country now being wasted, etc.; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. BEVERIDGE presented a petition of the Board of Trade of Savannah, Ga., praying for the enlargement of the Government survey for a supply of artesian water for certain places along the Atlantic coast; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Board of Trade of Savannah, Ga., praying that an appropriation be made for the improvement of the public highways; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Board of Trade of Savannah, Ga., praying for the adoption of certain plans for surveying, preserving, and improving the natural forests of the country; which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. HOAR presented a memorial of the Woman's Club of Worcester, the Woman's Educational Club of Newton, the New England Woman's Press Association, the Curret Topic Club of Dorchester, the Thought and Work Club of Salem, and the Woman's Club of Ayer, all in the State of Massachusetts, remonstrating against the alleged recognition and regulation by the United States Government authority of vice in the Philippines; which was referred to the Committee on the Philippines.

He also presented the petition of Frederick B. Greul, D. D., and 89 other citizens of Waltham, Mass., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the National Bank Cashiers' Association of Massachusetts, praying for the repeal of the revenue-stamp tax on the capital and surplus of national banks and also upon bank checks; which was ordered to lie on the table.

He also presented petitions of Local Grange No. 53, Patrons of Husbandry, of Sterling; of Local Grange No. 155, Patrons of Husbandry, of Methuen, and of J. B. Richardson & Son and 36 other business firms of Lowell, all in the State of Massachusetts, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented a petition of General Joseph Hooker Command, No. 9, Department of Massachusetts, Union Veterans' Union of Boston, Mass., praying for the enactment of legislation providing partial compensation for the survivors of prison-pen horrors; which was referred to the Committee on Military Affairs.

He also presented a resolution adopted by the Woman's Christian Temperance Union of North Westport, Mass., extending thanks to the United States Senate for ratifying the treaty to protect natives in Africa against intoxicants, and for its action in excluding beer from the Army canteens; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of New Bedford, Mass., praying for the enactment of legislation to prohibit the sale of firearms, opium, and intoxicating liquors to the inhabitants of the New Hebrides and other islands; which was ordered to lie on the table.

He also presented a petition of the philanthropic committee of the Yearly Meeting of Friends of Philadelphia, Pa., praying for the enactment of legislation providing for a prompt cessation of the present war in the Philippine Islands and granting to the people of those islands the full measure of their rights; which was referred to the Committee on the Philippines.

Mr. FRYE presented a petition of Bridgton Highland Grange, Patrons of Husbandry, of Maine, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was ordered to lie on the table.

He also presented a petition of the board of directors of the Merchants' Association of the port of New York, praying for the completion of the breakwater at Point Judith, Rhode Island; which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of Washington, D. C., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Washington, D. C., praying for the enactment of legislation to regulate divorces in the District of Columbia and the Territories; which was referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Christian Temperance Union of the Indian Territory, of the Woman's Christian Temperance Union of Delaware, and of the Woman's Christian Temperance Union of Rockland, Mass., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the New Hebrides; which were referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 1223) for the relief of O. J. Markle, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 285) for the relief of the Mobile Marine Dock Company, reported it with an amendment, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 5085) to correct the military record of H. A. White, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3825) to grant an honorable discharge to Frederick A. Noeller, reported it with an amendment.

Mr. HARRIS, from the Committee on Civil Service and Retrenchment, to whom was recommitted the bill (S. 5417) to amend section 1754 of the Revised Statutes of the United States, relating to the preference in civil appointments of ex Army and Navy officers, reported it with amendments, and submitted a report thereon.

Mr. BERRY, from the Committee on Commerce, reported an amendment proposing to appropriate \$132,590.67 to reimburse the city of Duluth, Minn., for moneys expended by it in the construction, repair, and preservation of certain public works on the harbor of that city, intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. QUARLES, from the Committee on Pensions, to whom was referred the bill (H. R. 5614) granting a pension to Virginia R. Friedeborn, reported it without amendment, and submitted a report thereon.

Mr. DILLINGHAM, from the Committee on the District of Columbia, to whom was referred the bill (S. 5551) to waive and release all claims of the United States by way of escheat to the real estate in the District of Columbia of which Patrick Kavanagh or his sons, Charles W. Kavanagh and William Kavanagh, died seized, reported it without amendment, and submitted a report thereon.

Mr. BAKER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12491) granting an increase of pension to Robert H. Metcalf;

A bill (H. R. 3466) granting a pension to Hiram Stimple;

A bill (H. R. 12710) granting an increase of pension to William H. Simmonds; and

A bill (H. R. 1235) granting an increase of pension to Chamness S. Burks.

Mr. VEST. I am directed by the Committee on Commerce, to whom was referred the bill (S. 5911) amending an act entitled "An act authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county," approved March 3, A. D. 1897, to report it adversely.

The PRESIDING OFFICER (Mr. PERKINS in the chair). Shall the bill be indefinitely postponed?

Mr. VEST. I ask that it be not acted upon, but let the report stand as it is.

The PRESIDING OFFICER. It will go to the Calendar.

Mr. CULLOM. I should like to inquire of the Senator if that is the bill which parties in another body have been considering, providing for a bridge between the two bridges that are there now?

Mr. VEST. Yes, sir; that is the bridge.

Mr. CULLOM. I hope the bill will not be indefinitely postponed.

Mr. VEST. I asked the Chair not to enter the motion postponing it, but to let it go to the Calendar.

The PRESIDING OFFICER. The bill will go to the Calendar with the adverse report, at the request of the Senator from Missouri.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 5925) to revive and amend an act entitled "An act to authorize the Pittsburg and Mansfield Railroad Company to construct and maintain a bridge across the Monongahela River," reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 5936) to authorize the Portland, Nehalem and Tillamook Railway Company to construct a bridge across Nehalem Bay and River, in the State of Oregon, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 5935) to authorize the Montgomery and Autauga Bridge Company to construct a bridge across the Alabama River near the city of Montgomery, Ala., reported it with amendments.

Mr. SHOUP, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11277) granting an increase of pension to Thomas A. Cord;

A bill (H. R. 7315) granting an increase of pension to William W. King; and

A bill (H. R. 11812) granting an increase of pension to Daniel E. Turner.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 13237) granting a pension to Jacob Hoerr; and

A bill (H. R. 13236) granting an increase of pension to James Barton.

Mr. KENNEY, from the Committee on Pensions, to whom was referred the bill (S. 5038) granting a pension to David Pollock, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 13133) granting a pension to Joseph V. Hoffecker; and

A bill (H. R. 9005) granting an increase of pension to William W. Schooley.

Mr. KENNEY (for Mr. ALLEN), from the Committee on Pensions, to whom was referred the bill (H. R. 2692) granting an increase of pension to Louisa N. Godfrey, reported it with amendments, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (S. 5745) granting an increase of pension to Thomas Starratt, reported it with an amendment, and submitted a report thereon.

Mr. FORAKER. On February 7 I reported from the Committee on Pacific Islands and Porto Rico the bill (H. R. 12396) to amend an act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and to increase the salary of the commissioner of education provided for by said act, with an amendment. I now beg leave to submit a report to accompany that bill, and ask that it be printed.

The PRESIDENT pro tempore. The report will be printed.

Mr. CARTER, from the Committee on Military Affairs, to whom was referred the amendment submitted by himself on the 11th instant, proposing to appropriate \$4,350, to pay to the county of Chester, Mont., in full settlement of all demands against the United States for the construction of a steel bridge across the Tongue River, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. HANSBROUGH, from the Committee on Public Lands, submitted a report to accompany the bill (S. 5833) to authorize the construction of reservoirs for the storage of water and for other hydraulic works for the reclamation of the public lands within the arid and semiarid land of the United States, and for other purposes, heretofore reported by him.

JENNIE E. HALLER AND OTHERS.

Mr. WARREN, from the Committee on Claims, to whom were referred the following bills:

A bill (S. 3644) for the relief of Jennie E. Haller, widow and administratrix of Samuel M. Haller, deceased;

A bill (S. 3966) for the relief of Smith Summers, administrator of John Waters, deceased;

A bill (S. 4978) for the relief of Richard Emmons and others;

A bill (S. 4999) for the relief of James A. Verret, administrator of Adolphe Verret, deceased;

A bill (S. 5098) for the relief of Mrs. Mattie H. Jarnagin; and

A bill (S. 5329) for the relief of William A. Gordon, administrator of the estate of William D. C. Murdock, deceased—reported the following resolution; which was read:

Resolved, That the claims represented by the following bills, to wit, S. 3644, 3966, 4978, 4999, 5098, and 5329, for the relief of Jennie E. Haller, widow and administratrix of Samuel M. Haller, deceased; for the relief of Smith

Summers, administrator of John Waters, deceased; for the relief of Richard Emmons and others; for the relief of James A. Verret, administrator of Adolphe Verret, deceased; for the relief of Mrs. Mattie H. Jarnagin, and for the relief of William A. Gordon, administrator of the estate of William D. C. Murdock, deceased, now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said Court of Claims shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. PETTIGREW. I should like to ask the Senator what class of claims these are?

Mr. WARREN. They are those called Bowman Act claims, or Southern war claims—some that were not adjudicated by the Southern Claims Commission.

Mr. PETTIGREW. Is the decision of the court considered binding upon Congress; that is, does Congress always pay the judgments?

Mr. WARREN. No; not binding at all. They are sent down for findings alone and have to come back to Congress, and Congress can appropriate for payment or not as it sees fit. It is simply to take evidence and render to us a finding.

The resolution was agreed to.

BRANCH SOLDIERS' HOME IN IDAHO.

Mr. SHOUP. I am directed by the Committee on Military Affairs, to whom was referred the amendment submitted by myself on the 12th instant, concerning the establishment of a Branch Home for Disabled Volunteer Soldiers on the Fort Sherman military reservation in Idaho, to report it favorably and to submit a written report thereon. I move that it, with the accompanying report, be referred to the Committee on Appropriations.

Mr. CHANDLER. I ask that the amendment be read.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. After line 5 on page 110 insert:

The Board of Managers of the National Home for Disabled Volunteer Soldiers shall cause to be inspected the buildings on the Fort Sherman Military Reservation, in Idaho, and the grounds contained therein, and make a report to Congress at its next session relative to the advisability of establishing a Branch Home for Disabled Volunteer Soldiers at that place, and what additional buildings, if any, should be erected thereon for the use of such a Branch Home.

The PRESIDENT pro tempore. The amendment, with the accompanying report, will be referred to the Committee on Appropriations.

Mr. HALE. Mr. President, I was going to ask that that reference be made.

I wish to take this occasion to call the attention of the Senate to the fact that the Committee on Appropriations is constantly besieged with applications for more and more Soldiers' Homes. Although it is nearly forty years since the civil war, and we have great establishments of this kind in the large States, we are constantly asked to increase the number of Homes and to make it a local distribution; to put a Soldiers' Home in Illinois, and a Soldiers' Home in North Dakota, and in South Dakota, and now for Idaho, and Arizona will soon want a Soldiers' Home, and Wyoming will want a Soldiers' Home.

If we go on, Mr. President, and, as it would seem the needs of these Soldiers' Homes lessen, increase them, we have got to give some account, and we have got to make the country understand why it is that we are constantly increasing these Homes and increasing the military expenditures. It is a part of the military expenditures, an inheritance from the war; but the general belief is that as we get forty, fifty, and sixty years away from the great war we do not need any more of these Soldiers' Homes.

I simply take this opportunity to call the attention of the Senate to the fact that the Committee on Appropriations is besieged constantly to add to these Homes.

Mr. SHOUP. Mr. President, I desire to say that it is contemplated by this amendment to establish a Branch Home at what has been known heretofore as Fort Sherman, in the State of Idaho. That post has been abandoned by the military authorities and has been turned over to the Interior Department. Montana, but more especially Oregon, Washington, and Idaho, feel that it should be set apart as a Branch Home.

This amendment carries no appropriation with it. It merely asks that the directors be authorized to investigate the matter, and I sincerely trust there will be no opposition to it. There is not a Branch of the National Soldiers' Home in all the Northwest. This covers a great many States, and in addition to the remaining veterans of the civil war there are a great many in those States who served in the recent war with Spain.

Mr. PETTIGREW. Mr. President, it certainly is not a matter of surprise that more Soldiers' Homes are called for and that the military expenditure is on the increase. We are manufacturing material for Soldiers' Homes every day. We are preparing now to send an army of 100,000 men into the Tropics. General MacArthur in December reported that he had 10,000 sick in the hospitals of

Manila for which he had no medical attendance. The reports show that more soldiers than we have in the Philippines were admitted to the hospitals last year. Of course, a great many men were not in the hospitals, but many men were in several times; and the percent of those whose health is wrecked is unparalleled, so much so that the soldiers who come back from the Philippines have to be cared for. As long as we are recruiting the material by a conquest of tropical countries we shall have to continue to build Soldiers' Homes.

Unfortunately, from the remote West, or what used to be the remote West, from Idaho and the Dakotas and Wyoming, we sent more than our quota to the Spanish war. Those boys were taken to the Philippines and forced to fight in a contest in which they did not believe and which they believed to be wrong. Many of them died, and nearly all of the survivors came home diseased and unfit to labor and to earn a living. Of the boys who went from the State of South Dakota to the Philippines more than half have come home in a condition which renders it impossible for them to toil, and many have died since they returned. We are asking that a Soldiers' Home shall be built in South Dakota. There is a necessity for it, and it ought to be built. The Senate has ordered it built several times, and I hope that at this session it will order it again.

Mr. HALE. Let me ask the Senator before he sits down—

The PRESIDENT pro tempore. The debate is proceeding by unanimous consent. There is nothing before the Senate.

Mr. HALE. Let me ask the Senator before he sits down whether he does not think that the great Soldiers' Homes which were provided for and have been up to the present time as a place of refuge finally for an army of a million men as they grow old will be large enough to take care of the comparatively small contingent that comes from the East?

I agree with the Senator as to the condition that these men will be in. In five years from now every man who has gone to the East will be on the pension roll. There is no doubt about that, for this kind of a war is the most destructive, the most debilitating, and the most cruel in its ravages upon the human system of anything in the world, and we shall find them all on the pension list. But, even with that being so, it would seem to me as if the great institutions that we have already established in the country will be enough to take care of the relatively small portion of the hundred thousand men who will want to go to asylums. They will not all go there. They will want a pension, and we shall give it to them. They will be a disbanded and broken body of men, who will be upon the country in the country's care. There is no doubt about that. But there are not enough of them in number to justify this demand for more and more Soldiers' Homes.

Mr. PETTIGREW. Mr. President, it seems to me there will be enough of them. We are recruiting the ranks of the people who will have to be taken care of, in my opinion, at the rate of at least 40,000 a year, and we will continue to do so for the years to come, because the contest in the Philippines will continue for years to come, in my opinion, unless we give those people their liberty.

Mr. WARREN. Mr. President, I desire to say only a few words. I believe that there is a necessity for National Soldiers' Homes in the Northwest. So far as Wyoming is concerned, it has established a State Home. It did not feel that it wished to enter into competition, asking for a National Home when Colorado in the one direction, Idaho in the other, and South Dakota in the other were asking for Homes. The old soldiers who went from the civil war to the West and who are unfortunate in their old age should be provided for somewhere in that part of the country and in the same general climate in which they have been living for many years.

I do not agree with the assertion that we are going to have many hundred thousand or a million men on the pension rolls or in the hospitals from the army in the Philippines. From my observation and information of Philippine matters and my experience in the civil war, we shall have a far less percentage in that army who will be asking for pensions and who will be inmates of Homes than as a result of the civil war. I am only surprised that we have so few of the old soldiers of the civil war now in Homes, when we remember that this is a time that they are all becoming old men, and even the youngest who served in that war are now old men.

Mr. TELLER. Colorado has a State Home.

Mr. WARREN. The Senator calls my attention to the fact that Colorado also has a State Home. It seems to me that by their works we should judge them, and that when Northwestern States establish, at their own expense, Soldiers' Homes, receiving some aid, as they do, from the Government, rather than to send their old soldiers to Eastern Homes, no matter how well they may be provided for or how many of them there are, it establishes the fact that in the opinion of those who live in those States it is necessary to have Homes there near where these failing old soldiers have spent so many years.

I have nothing to say in reference to the particular amendment

alluded to, but there should be one or two more National Homes provided in the Northwest. We can not overpay our old soldiers.

Mr. SEWELL. Mr. President, I desire to give the Senator from South Dakota [Mr. PETTIGREW] an opportunity to correct the statement which he has just made as to the application of the general commanding in the Philippines, stating that he had 10,000 sick and no surgeons. He said he did not have a sufficient surgical force, and as soon as the application was made for more they were immediately dispatched there.

Mr. PETTIGREW. I am credibly informed that he complained he had 10,000 sick more than he had medical attendance for, and I believe it is correct.

Mr. SEWELL. That is not correct by any means.

Mr. PETTIGREW. And the Senator says it is not correct.

Mr. SEWELL. He wanted more surgeons and he got them immediately.

Mr. TELLER. Mr. President—

Mr. CHANDLER. I call for the regular order, and object to debate.

The PRESIDENT pro tempore. The regular order is demanded. Reports of committees are in order.

Mr. TELLER. I wish to answer, in just one word, the Senator from New Jersey [Mr. SEWELL]. I have it upon what I regard as absolute authority that MacArthur telegraphed here that his medical staff was not sufficient and that he needed a staff for 10,000 more, not at Manila, perhaps, but in the whole archipelago. That has been given to me upon what I regard as entirely reliable authority. He wanted a staff to meet the demand, and I understand that he got them.

Mr. SEWELL. Immediately.

Mr. TELLER. Immediately.

Mr. PETTIGREW. And I have information on high—

Mr. CHANDLER. Mr. President, I call for the regular order, if the Senator from Colorado has concluded.

The PRESIDENT pro tempore. The regular order is demanded. Reports of committees are still in order. If there are none, the introduction of bills and joint resolutions is next in order.

BILLS INTRODUCED.

Mr. CAFFERY introduced a bill (S. 5973) for the relief of the Citizens' Bank of Louisiana; which was read twice by its title, and referred to the Committee on Claims.

Mr. HOAR introduced a bill (S. 5974) granting an increase of pension to S. E. Chamberlain; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BEVERIDGE introduced a bill (S. 5975) granting an increase of pension to Anna E. Luke; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5976) granting an increase of pension to James A. McKeehan; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5977) granting an increase of pension to Joseph B. Sellers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 5978) authorizing the Secretary of the Interior to appear in suits brought by States relative to school lands; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. McMILLAN submitted an amendment proposing to pay John J. Sanborn \$3,200 for lot 3 in square south of square 990, in the city of Washington, D. C., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$125,000 for the purchase of land necessary to provide a parkway connecting Rock Creek Park with Connecticut avenue between Klinge Ford road and Pierce Mill road, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. CHANDLER submitted an amendment providing for the printing of 700 copies of the books of testimony, with all the reports, in the Montana Senatorial election case, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Printing, and ordered to be printed.

He also submitted an amendment providing for the printing of 1,600 copies of the proceedings in connection with the reception of the Webster statue on January 18, 1900, in the form prescribed by law for eulogies, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Printing, and ordered to be printed.

Mr. HOAR submitted an amendment providing that no individual or corporation having the privilege of access to the books in the offices of the clerks of the courts of the United States containing dockets, etc., shall use the same to collate material for the purpose of enabling them to render a substituted service of any character, etc., and that the clerks of the circuit and district courts of the United States be allowed 15 cents for every search for any particular mortgage, judgment, or other lien, etc., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on the Judiciary.

Mr. STEWART submitted an amendment authorizing the Secretary of the Treasury to make settlement of claims growing out of Government transportation over nonbond-aided lines of the Southern Pacific Company and the Central Pacific Railroad Company by crediting against the notes of the Central Pacific Railroad Company held in the Treasury of the United States interest on all of said judgment and allowed claims at 4 per cent per annum, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PAYMENT OF CERTAIN CLAIMS.

Mr. TILLMAN submitted an amendment intended to be proposed by him to the bill (H. R. 13382) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes; which was ordered to lie on the table, and be printed.

Mr. SPOONER submitted an amendment intended to be proposed by him to the bill (H. R. 13382) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes; which was ordered to lie on the table, and be printed.

Mr. HANSBROUGH submitted an amendment authorizing the construction of reservoirs for the storage of water and for other necessary works for the reclamation of the public lands within the arid and semiarid regions of the United States, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. SEWELL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12846) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1902, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 11 and 13.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 6, 7, 8, 9, 10, 12, 14, 15, 16, 17, 18, 19, 20, and 21, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Strike out all of said amendment beginning with "Provided further," in line 10, page 1, of the amendments, and at the end of the bill add the following:

"SEC. 2. The Superintendent of the Military Academy shall suppress all challenge fighting and every form of hazing at the Academy, and shall, whenever advised of any facts tending to indicate any violation by a cadet or cadets of the laws of the United States, the regulations of the Academy or its rules, at once investigate the same in person or cause to be convened a court of inquiry to do so, as hereinafter provided.

"SEC. 3. It shall be the duty of every professor, assistant professor, academic officer or instructor, as well as every other officer stationed at the Academy, to promptly report to the Superintendent any fact which comes to his attention tending to indicate any violation by a cadet or cadets of the laws of the United States, the regulations of the Academy, or its rules.

"SEC. 4. Any cadet who shall act upon or be a member of any fighting or like committee, send, carry, or accept or order a challenge to fight, or be in any manner concerned or engaged in a fight preceded by a challenge, or order, or shall act as a referee, timekeeper, second, or sentinel thereat, or shall upbraid, abuse, or insult, or in any way maltreat any candidate or cadet because of his having refused to send or accept a challenge, or order to fight, shall, when found guilty, be dismissed.

"SEC. 5. Any cadet who shall direct, invite, or request any candidate or cadet to eat or drink anything for the purpose of punishing, annoying, or harassing him, or who shall, without lawful authority, direct or require any candidate or cadet to brace, or engage in any form of physical exercise, shall, when found guilty, be dismissed.

"SEC. 6. No cadet dismissed under either of the two preceding sections shall be in any way reinstated or reappointed to the Academy; and no such cadet shall ever be appointed to any office in the Army, Navy, or Marine Corps.

"SEC. 7. All forms of hazing not herein expressly provided for shall be suppressed, under such regulations as shall now exist or may hereafter be lawfully established for the Academy.

"SEC. 8. Every cadet shall at all times be required to answer all questions pertaining to infractions of the laws of the United States, the regulations of the Academy or its rules, put to him by any court-martial, court of inquiry, or of any officer of the Academy, and upon his refusal so to do he shall be dismissed. But his evidence shall not be considered as against him in passing upon his guilt or innocence of any such infractions, nor shall it be used against him in any criminal proceeding or civil action for damages.

"SEC. 9. When the Superintendent knows or has reason to believe that any cadet is subject to the punishment prescribed in sections 4, 5, or 8 hereof, he is authorized to and shall at once convene a court-martial composed of not less than five commissioned officers to try such cadet. The finding of such court-martial, when approved by the Secretary of War, shall be final, and any cadet found guilty by it under any one of the said sections shall be dismissed, as in such section provided.

"SEC. 10. Whenever the Superintendent shall report to the Secretary of War that he has reason to believe that there have been infractions by one or more cadets of the laws of the United States, the regulations of the Academy, or its rules, and that he has been unable to ascertain the perpetrator or perpetrators thereof, or to obtain sufficient evidence to warrant action, the Secretary of War shall at once convene a court of inquiry to inquire into such supposed infractions, with directions, without unnecessary delay, to report the evidence taken by them and their findings and recommendations, all of which shall, when returned, be transmitted to the Superintendent, who shall thereupon enforce the laws, regulations, and rules as against all persons so reported to have violated them: *Provided*, That when evidence shall be adduced before such court of inquiry tending to show any infraction by a given cadet of the laws of the United States, the regulations of the Academy or its rules, said cadet shall be at once notified and shall be entitled to be at all times present while the inquiry is going on as against him, and to have witnesses called in his behalf, and to otherwise defend himself.

"SEC. 11. It shall be the duty of the Secretary of War to assign to the Academy a sufficient number of officers of the Army to at all times strictly enforce the laws of the United States, the regulations of the Academy and its rules, and to furnish such instruction and surveillance as may be necessary to insure that end; and he shall make such regulations as are necessary to produce such direct contact between the officers and cadets as will result in a thorough enforcement of this act.

"SEC. 12. Nothing in this act shall deprive the Superintendent of the authority to make internal rules for the government of the Academy not inconsistent with the laws of the United States or the regulations of the Academy."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5 and agree to the same with amendments as follows: On page 2 of the amendments, lines 17 and 18, strike out "allowance and emoluments," and on page 3, line 6, strike out "officers and;" and the Senate agree to the same.

WM. J. SEWELL,
F. E. WARREN,
W. A. HARRIS,

Managers on the part of the Senate.

J. A. T. HULL,

CHAS. DICK,

JAMES L. SLAYDEN,

Managers on the part of the House.

The statement of the conferees is as follows:

Amendment No. 1 provides for the prevention of hazing at the Academy. House recedes and agrees with an amendment at end of bill having the same object.

Amendment No. 2 corrects the line rank of the Superintendent. House recedes.

Amendment No. 3 corrects an error in the amount of additional pay to commandant of cadets. House recedes.

Amendment No. 4 corrects an omission as to senior instructors. House recedes.

Amendment No. 5 relates to the legal status of the band as organized by the act of June 6, 1900. House recedes and agrees with amendments striking out the provisions for "allowances and emoluments" of, and "retirement" as, a second lieutenant to the teacher of music.

Amendment No. 6 corrects a clerical error. House recedes.

Amendment No. 7 corrects a clerical error. House recedes.

Amendment No. 8 is consequent on amendment No. 3. House recedes.

Amendments Nos. 9 and 10 relate to extra pay for enlisted men. House recedes.

Amendment No. 11 relates to the pay of the master of the sword. Senate recedes.

Amendment No. 12 defines the duties, relative rank, etc., of the master of the sword. House recedes.

Amendment No. 13 consequent on amendment No. 11. Senate recedes.

Amendment No. 14 relates to fixtures for chemical lecture room. House recedes.

Amendment No. 15 makes the appropriation "immediately available." House recedes.

Amendment No. 16 consequent on amendment No. 14. House recedes.

Amendment No. 17 relates to the post cemetery. House recedes.

Amendment No. 18 provides for necessary officers' quarters. House recedes.

Amendment No. 19 provides for repairs of roads and paths. House recedes.

Amendment No. 20 makes an additional appropriation for "building for officers' quarters and mess" and provides that the same, also previous appropriation therefor, shall be available until expended. House recedes.

Amendment No. 21 is consequent on amendments Nos. 17, 18, 19 and 20. House recedes.

Mr. SPOONER. Does the Senator desire the report acted upon to-day?

Mr. SEWELL. I see no reason why it should not be.

Mr. SPOONER. I want to see, if I can, the very complicated provision in regard to hazing, so that I may be able to understand it.

Mr. SEWELL. The amendment in regard to hazing embodies the views of the House investigating committee which took testimony at Westpoint. It goes into details and makes law what the Senate authorized the Secretary of War to do. On consideration the Senate conferees thought we had better have the provision in the shape of positive law than to leave it to another Secretary of War or another Superintendent of the Military Academy who might not be in sympathy with the feeling against hazing. This provision is stronger than that adopted by the Senate; and that is about all.

Mr. SPOONER. I do not know how it can be much stronger. We provided by our amendment that a cadet found guilty of hazing should be dismissed, and should never thereafter be appointed or admitted to the Army or the Navy.

Mr. SEWELL. I know we did, but we did not go into all the details.

Mr. SPOONER. I am not discussing the question, and I can not discuss these provisions with the Senator, for I can not understand them without having an opportunity to examine them.

Mr. COCKRELL. Let that portion of the report be again read as the conferees have agreed upon it.

Mr. CULLOM. That is what the Secretary has read.

Mr. COCKRELL. Let it be read again, so that the Senate may understand what it is.

Mr. TILLMAN. Let us have order in the Chamber, Mr. President. We can not understand what is going on.

The PRESIDENT pro tempore. The Senate will please be in order.

Mr. ALLISON. I suggest to the Senator from New Jersey that he allow the report to be printed and lie over until to-morrow, when it can be taken up, and I think much more intelligently considered than by having it read and reread at the desk.

Mr. SEWELL. I have no objection to that.

Mr. GALLINGER. That certainly ought to be done.

Mr. SEWELL. I have no objection. Let the report be printed.

The PRESIDENT pro tempore. The report of the conference committee will be printed.

Mr. SEWELL. And taken up to-morrow.

Mr. BURROWS. It will be printed in the RECORD, I understand.

The PRESIDENT pro tempore. It will be printed as a document, as the Chair supposes.

Mr. CULLOM. The report has been read, and will be printed in the RECORD.

Mr. BURROWS. That is what I desire to know, whether it will be printed in the RECORD.

The PRESIDENT pro tempore. The report will be printed in the RECORD, it having been read.

MONTANA SENATORIAL ELECTION.

Mr. CHANDLER. I offer a resolution, which I send to the desk. I ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That the volumes of Report No. 1052 of the first session of the present Congress, now in the document room, with the testimony, concerning the Montana Senatorial election, be returned to the Public Printer, in order that part 2 of said report may be added at the end of page 24, and that the said part 2 be added in like manner by the Public Printer to the reserve volumes.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. PETTIGREW. I object, Mr. President.

The PRESIDENT pro tempore. Objection is made. The resolution will go over under the rule and be printed.

HEARINGS BEFORE DISTRICT COMMITTEE.

Mr. McMILLAN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the stenographer employed to report the hearings before the Committee on the District of Columbia be paid out of the contingent fund of the Senate, and that the said hearings be printed for the use of the Senate.

ACCOUNTS OF OFFICIALS IN ALASKA.

Mr. STEWART submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General be directed to furnish the Senate with a copy of all accounts presented to his Department by officials of the Second judicial division of the district of Alaska during the present fiscal year and the action of the Department of Justice thereon; also, a list of all persons holding official positions during the last twelve months in said judicial division of the district of Alaska so far as the same is of record in the Department of Justice, together with the compensation of each of such persons.

PHILADELPHIA POST-OFFICE.

Mr. CHANDLER submitted the following resolution; which was referred to the Committee on Post-Offices and Post-Roads:

Resolved, That the Committee on Post-Offices and Post-Roads be, and hereby is, directed to investigate the charges made by the National Civil Service Reform League that violations of the civil-service law have taken place in connection with the post-office at the city of Philadelphia; that said committee be authorized to sit during the present session or after the adjournment thereof, and to act, if the committee so decide, through a subcommittee, and said committee, or the subcommittee, shall have the right to send for persons and papers, swear and examine witnesses, employ a stenographer, and to hold its sittings either in Washington or Philadelphia, and the expenses of the inquiry shall be paid out of the contingent fund of the Senate, on vouchers to be approved by the chairman of the committee or of the subcommittee.

Mr. CHANDLER subsequently, from the Committee on Post-Offices and Post-Roads, to whom was referred the foregoing resolution, reported it with amendments, and moved that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate; which was agreed to.

STATUS OF TENNESSEE ENROLLED MILITIA.

Mr. TURLEY. I submit a resolution and ask that it be read, and, with the accompanying papers, referred to the Committee on Military Affairs.

The Secretary read the resolution, as follows:

Resolved, That the Secretary of War be, and he is hereby, authorized and directed to detail an agent to proceed to west Tennessee and take proof there as to the number of officers and enlisted men of the enrolled militia of

Memphis and the western district of Tennessee, organized into the service of the United States from 1863 to 1865, under the orders of Gen. W. T. Sherman and other United States military officers, the date of enlistment, the kind and duration of service, when discharged or disbanded, the amount, if any, paid to each officer and enlisted man, the amount of money that would be due to each officer and enlisted man if the same scale of pay and allowances then applicable to the United States Army was applied to the above-named organization, and the total amount of money required to pay such claims, and to report all the facts and evidence for the consideration of the Senate.

Mr. TURLEY. In this connection I ask that the letter from the Secretary of War which was forwarded January 8, 1901, and laid on the table temporarily, may be taken from the table and referred to the Committee on Military Affairs, together with the resolution.

The PRESIDENT pro tempore. If there be no objection, the request of the Senator from Tennessee will be complied with. The Chair hears none, and the resolution and papers will be referred to the Committee on Military Affairs.

MEMORIAL ADDRESSES ON LATE REPRESENTATIVE WISE.

Mr. DANIEL. I desire to give notice that on Saturday the 23d instant, at such hour as may be most suitable, I shall offer appropriate resolutions touching the death of Hon. RICHARD ALSOP WISE, late a Representative from Virginia.

AGRICULTURAL APPROPRIATION BILL.

Mr. PROCTOR. I move that the Senate proceed to the consideration of the Agricultural appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13801) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1902.

The PRESIDENT pro tempore. The pending question is on the amendment proposed by the Senator from Colorado [Mr. TELLER] to the amendment reported by the Committee on Agriculture and Forestry. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to strike out, after the word "districts," line 6, page 33, the following:

To map the soils of the United States: *Provided*, That when 50 per cent of the arable soil of any State or Territory in which the work has been done shall have been mapped, no further work is to be done in that State or Territory till the same percentage of soil mapping shall have been accomplished in the other States and Territories of the United States: *Provided further*, however, That not less than one field season's work of one field force shall be done in any State or Territory before leaving that State or Territory.

Mr. TELLER. Mr. President, I moved the amendment to strike out the portion of the bill on page 33 which has been read. I have said practically all I care to say about it. I merely want to call the attention of the Senate to the amendment, to have a vote upon it, and I shall then have discharged my duty.

I think the expenditure, while it will be small this year, will be very large next year, and the following years we must, if we enter upon this system, increase the appropriation to a very large amount in order that it may be of any benefit whatever.

We have no statement of what this work will cost or anything about it. It is a duplication, in part at least, of work being done by other Departments. Certainly we ought not to enter upon it, as suggested to me by the Senator from Wisconsin [Mr. SPOONER], until we are ready to adopt a system and then carry it out. I do not believe we are now prepared to say in an appropriation bill that the Government of the United States should map the whole country; and this proposition is certainly upon the supposition that the whole country is to be mapped, and the different soils described, to show whether they are useful for any particular kind of agriculture.

Maps are to be made, surveys are to be made, reports are to be made. The expense will be far beyond what anybody can now estimate and the benefit to be derived from this work is so shadowy and doubtful that it seems to me the chairman of the committee ought to accept the amendment, so as to get rid of this difficulty. I have made the motion to strike out the part which has been read, and I submit the matter to the Senate without further discussion.

Mr. PROCTOR. Mr. President, I have a letter from the Secretary of Agriculture in regard to this matter, which I will ask the Secretary to read.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The Secretary will read as requested.

The Secretary read as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., February 14, 1901.

DEAR SIR: Since colleges and universities were organized nobody has studied the soils from which we all get our living and in cultivating which half the American people are employed. The mapping of the soils of the several States will indicate to the people their adaptability to production. We shall get comparative conditions as between the soil of one State and the soil of another. We shall be able to indicate where certain crops can be best and most economically produced. We have entered, through cheap transportation, into competition with the whole world, and it becomes us to find facts for our producers that may enable them to meet this competition most economically. Soils of the several kinds are not bounded by State lines. A work of this kind done by the Department of Agriculture will be of great general interest.

We are now mapping where the interests of the people imperatively demand it. The alkali soils of the West and the tobacco soils of the several States where tobacco is grown are getting attention. We are mapping the truck soils of the Atlantic coast, and we shall inquire into the fruit areas of the country, the rice soils of the Gulf States, the sugar soils for cane sugar in the South, and the soils for sugar beets along our northern tier of States.

Respectfully,

JAMES WILSON, *Secretary.*

Hon. REDFIELD PROCTOR,
*Chairman Committee on Agriculture,
United States Senate.*

Mr. PROCTOR. Mr. President, the Secretary of Agriculture has received a large number of applications for special examinations in localities where they need information whether the soil is adapted to particular crops. These applications are from California, Utah, Connecticut, North Carolina, Mississippi, Maryland, Iowa, Kentucky, New York, Pennsylvania, New Jersey, Louisiana, Virginia, Montana, Arizona, Washington, Colorado, Wyoming, South Carolina, Tennessee, Florida, and Texas. I have copies of some of the letters and a brief statement of what is asked for; but what I have said sufficiently covers the ground, which is to have an expert inquiry made in regard to the soils of special localities.

I myself think the appropriation is a desirable one and that it will not be abused. The Secretary of Agriculture has, so far as I have had to do with this work, been extremely conservative and practical.

Mr. TELLER. Mr. President—

Mr. HOAR. Let the amendment proposed by the Senator from Colorado be again stated, Mr. President.

Mr. TELLER. I have moved to strike out a portion of the amendment of the committee.

Mr. HOAR. I ask that it may be stated from the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Colorado to the amendment of the committee will be stated.

The Secretary again read the amendment proposed by Mr. TELLER to the amendment of the committee on page 33, beginning in line 6.

Mr. TELLER. The letters which the Senator from Vermont says have been received, indicate just what I said would be the demand from every part of the country for this work. If we are going into it, we ought to go into it with our eyes open; we ought to know what it is going to cost; we ought to know whether the advantages will be equal to the expenditure; and we now know absolutely nothing about it.

To a limited extent the Agricultural Department has always examined soils and made reports to the people who desire to have that done. But this is a proposition to map and survey the whole country in order to find out whether in New England people can raise wheat, or whether in Colorado they can raise alfalfa and other things.

I do not care to say anything further. Of course, it is not any more to me than it is to anybody else; but it does seem to me that to commence an enterprise of this kind, with our lack of information as to its extent and character, is simply absurd.

Mr. STEWART. Mr. President, it seems to me that this is too large a proposition to be disposed of on an appropriation bill without very careful consideration. I should like to have a report from the Department of Agriculture as to the expense which will be incurred. The remapping of the United States is an enormous undertaking. We have had some experience of that with the Geological Survey. We have progressed so far with that work that we must carry it through. It will be of great advantage. But those who have examined or are familiar with the work of mapping and printing maps will realize the very great extent of this work. The Secretary of Agriculture is a man of practical experience. If he will give us the plan, show its desirability, and that the work can be done at a reasonable cost, I shall be in favor of it; but I should not be in favor of it with my present information.

Mr. HALE. Mr. President, has the point of order been made on this amendment?

The PRESIDING OFFICER. It has not.

Mr. HALE. Then I make the point of order.

The PRESIDING OFFICER. What is the point of order; that it is in violation of Rule XVI, being new legislation?

Mr. HALE. It is entirely new legislation; there is no law for it.

The PRESIDING OFFICER. The Chair will be pleased to hear from the Senator from Vermont [Mr. PROCTOR], the chairman of the committee, on the point of order.

Mr. PROCTOR. Mr. President, the present law provides for the mapping of tobacco soils all over the country. This is merely an extension of that law, as it strikes me.

Mr. HALE. Will the Senator let me look at the law?

Mr. TELLER. The Senator will find it on page 8. That is limited, while this is general.

Mr. HALE. Mr. President, my point of order is that this amendment proposes a new system of general legislation for embarking upon an entire system of making comparisons of soils all

over the United States. There is no law for that to-day, any more than there is a law for the Government itself entering into the building of ships in private yards. It needs a law to authorize it. The senior Senator from Vermont said the present law authorized it. The present law simply provides a little appropriation for some experimentation upon soils, and it is only for a year's appropriation. If anybody last year had made the point of order against that little appropriation it would have been sustained, because it was new matter. This declares how it shall be done; fact establishes a system of law. There is to-day no law for it. The fact that last year a little appropriation was consented to and no point of order made does not in any way free this from the point of order.

And besides the point of order, as the Senator from Colorado and the Senator from Nevada have said, we ought not upon an appropriation bill, crowded through at the last days of the session, to enter upon a scheme which will cost this country a hundred million dollars. Is there to be no stop, Mr. President, to all these new schemes for depleting the Treasury? This scheme, I say, in the end will cost a hundred million dollars. It will never be ended until every State and every county are visited by a corps of Government officers and all these comparisons made and all these soils developed and reports made; and from year to year it will increase. It increased last year from about how many thousand dollars?

Mr. PROCTOR. Twenty-five thousand dollars.

Mr. HALE. Up to \$91,000 this year?

Mr. PROCTOR. Yes.

Mr. HALE. It has increased 300 per cent. It will go on in this way. It requires a law to do it, and in the interest of some moderation in these new schemes and because I have no doubt that the point of order is good I make it against this appropriation.

Mr. TILLMAN. Mr. President, I told the Senator from New Hampshire yesterday afternoon that there was no danger but that somebody would take hold of this proposition to be just a little less stingy with the agricultural interests of this country, and that it was impossible that we should get anything like liberal appropriations for the practical and reasonable expenditures; and, lo and behold, this morning the point of order is made against the work of the Committee on Agriculture and the Commissioner of Agriculture, whom everybody acknowledges is an able man and one as well qualified to discharge the duties of his position as ever filled that place. It does seem to me that the Chair might in this instance, supposing it is ready to rule with the Senator from Maine, submit this question to the judgment of the Senate, and let Senators themselves decide whether or not it is amenable to the point of order. I have seen that thing done here too often—for us to have a rule that is hidebound and not allow a little leeway for Senators to determine whether an appropriation is reasonable and proper.

The Senator from Maine was not in the Chamber yesterday afternoon when this paragraph was discussed, or he would have seen that this survey and this mapping do not contemplate entering upon a topographical measurement of a State. It does not contemplate entering into competition with the Geological and Geodetic Surveys.

Mr. HALE. If the Senator will allow me, I have said nothing about topography. Of course it does not.

Mr. TILLMAN. Where is the hundred millions to come from which the Senator from Maine says is to go into this rat hole unless we are going to go into a new survey of that which has been already done?

Mr. HALE. It is a vaster subject than topography. I notice this here:

To investigate the soils and conditions of growth in Cuba, Sumatra, and other competing countries.

It is not confined to the United States.

Mr. TILLMAN. Cuba is not a competing country. The Senator from Maine himself is very much of the opinion that we never intend to let Cuba go; that it is going to be a part and parcel of the great domain of this country.

Mr. HALE. I hope not.

Mr. TILLMAN. I hope not, too, and I will help the Senator so far as I am able in my feeble way to prevent any such consummation. The Senator from Maine, who is not a farmer—

Mr. HALE. Oh, yes, I am.

Mr. TILLMAN. The Senator lives in town and spends on his farm the money he receives from other sources of income.

Mr. HALE. I have always been a farmer.

Mr. TILLMAN. The point I wish to make in regard to this general provision is that while it covers a great deal of apparent territory, it is in order to get around the Auditor of the Treasury, who will have to pass upon the expenditures. Senators should recollect that only \$109,000 all told is proposed to be appropriated to give the farmers of this country or those intending to migrate from various portions to other portions some idea, officially, as to where they can enter upon their chosen occupation of fruit growing or tobacco raising or any other branch of the agricultural industry, that they may have the benefit of the Agricultural Department's report that such and such a section of such and such a

State is adapted to this, that, or the other product. What is contemplated, I understand, is simply that an expert, who is acquainted with the geology of a given territory, or who will acquaint himself with it, shall take the outline map of a State and after investigation and travel, involving a few thousand dollars of expenditure in a given State, he will submit a map colored to indicate, like the physical geographies indicate, only more in detail and backed by expert testimony, where given fruits or given grains or given agricultural products of various kinds succeed best.

I confess I do not understand why the Senator from Maine, who is usually so liberal and broad minded, should be so niggardly in dealing with agriculture. We spend hundreds of millions here that are stolen, and the Senator knows it, and yet when we come to give a farmer, a Republican farmer, a few paltry thousands to help develop farming, the basis of our national prosperity, here comes a great hue and cry for economy, economy, economy.

Mr. PETTUS. Mr. President, I wish to ask the Senator in charge of the bill how much this item involves?

Mr. PROCTOR. It involves \$91,000. Will the Senator from Alabama allow me to say a word?

Mr. PETTUS. Certainly.

Mr. PROCTOR. The Senator from Maine says it involves a great future expense, a hundred million dollars. At the rate of this appropriation it would require something over eleven hundred years to use the amount of which he speaks.

Mr. HALE. If the increase from last year to this is maintained, it will not take so long.

Mr. PETTUS. Mr. President, we have here before us two pictures. One is an urged proposition to spend \$225,000,000 for the benefit of a very small class, counting the whole people, of ship-owners and shipbuilders. That is urged as of great benefit to all mankind. That is one of the pictures. On the other hand, we have a proposition to spend less than a hundred thousand dollars for the benefit of more than half of the population of the United States; and the Secretary of Agriculture, this wise man who is attending to his business and not to mere politics, writes in the very first words of his communication that he has sent to the Senate the following:

Since colleges and universities were organized nobody has studied the soils, from which we get our living and in cultivating which half the American people are employed.

There is the other picture, and the Senators seek, by any technicality that can be invented, to prevent this wise man from doing what he wants to do for the benefit of agriculture. Look on the two pictures!

Mr. HALE. Mr. President, I wish to show what the provision means. It was not drawn by any farmer. The farmers of this country are not uneasy and disturbed because they are not visited by boards of United States surveyors and managers to try their soils and compare them with other soils and to send out expeditions into every country and every isle of the globe. The farmers of the country do not want that. I speak as much for the farmers—I know all about farming—as does the Senator from South Carolina or any other farmer here. His constituents do not demand this, nor mine, nor those of any other Senator.

This plan was drawn by some ingenious man in the Department—not the Secretary, probably—who sees before his eyes the vista of a great, expanding, national, new source of expenditure. Let me read it:

Investigation of the relation of soils to climate and organic life.

Nobody can draw a phrase involving an enterprise that is limitless and endless and put it in stronger language than that. There is no end to it.

For the investigation of the texture and composition of soils in the field and laboratory.

In doors and out of doors, everything under the heavens is included in that.

For the investigation of the cause and prevention of the rise of alkali in the soils of the irrigated districts.

I judge from what the Senator from Nevada and the Senator from Colorado said, who represent the farmers and the owners of land in irrigated districts, that their constituents do not want that.

The investigation of the relation of soils to drainage and seepage water.

Mr. SPOONER. Will the Senator from Maine allow me to interrupt him for a moment?

Mr. HALE. Yes.

Mr. SPOONER. That is all the law now.

Mr. HALE. It is not the law. We only appropriated a little sum of money, and this year it is sought to increase it three or four hundred per cent. There is no law for it. We have made little experiments. What I am complaining of is just what happens always. You start with a few thousand dollars; then you increase it, and at last it becomes so great that you have an enormous new field of national expenditure launched. The same pro-

portion of increase from last year to this kept up for ten years will amount to over a hundred million dollars. I have had it figured out by accountants since it was first brought up here. It would amount to more than a hundred million dollars. Let me read a little further about this farmer clause:

The investigation of the relation of soils to drainage and seepage waters, and of methods for the prevention of the accumulation of and injury from seepage waters in irrigated districts.

And then, finally—

To map the soils of the United States.

No man sitting in this Chamber will be here or alive on this footstool when that map of the soils of the United States is completed. There is nothing so limitless and so endless as a map. We have tried it with topography. We have tried it with geodetic surveys and coast surveys. It never ends, and when one locality has it another wants it, and will insist upon it.

Mr. TILLMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from South Carolina?

Mr. HALE. Certainly.

Mr. TILLMAN. Is there any man on the footstool now who saw the origin of the Coast and Geodetic Survey? Why should we undertake to prevent Time from getting in his work.

Mr. HALE. Mr. President, the Senator is arguing in my line. All of these things began in a small way.

Mr. TILLMAN. We will pay taxes or our children will pay taxes forever, and why not allow the taxes to be spent for the benefit of coming generations.

Mr. HALE. I remember when the Geological Survey first commenced. My friend the Senator from Illinois remembers it. Authority was given to make a map. It is going on; it is accumulating force every year until every district shall be mapped.

Now, what I say—I have not got through with these provisions—is that the Government never ought to go into this. The farmers do not demand it. They know the soils. They know the adaptability of their acres to a particular growth. They are practical, hard-headed men, and they take no stock in this fanciful scheme that has been drawn up by some expert in the Agricultural Department to commit the Government. I have not quite got through with this ingenious provision:

That not less than one field season's work of one field force shall be done in any State or Territory before leaving that State or Territory.

Not less in the forty-five States than one field party shall be engaged in the State before it leaves it. It does not say not more, but it plants them in each one of the States, and the day begins to which there will be no end. Now let us see.

To investigate the soils and conditions of growth—

The imagination of the man who drew this scheme grew as he went on forging this scheme. He had got the whole country included in it. He had got everything under the sun that could be done within our borders, and his imagination taking flight, he said, "Why should not all the kingdoms of the earth and the isles of the sea and the entire habitable globe be brought into this new enterprise?" and so he says:

To investigate the soils and conditions of growth in Cuba, Sumatra—

And then, rather than go on and name everybody and everything and every country, he says—

And other competing countries.

Mr. TILLMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from South Carolina?

Mr. HALE. Yes; for a question.

Mr. TILLMAN. I have in my hand the last appropriation act, containing this item, to which the Senator did not object, as I recollect it, and I will read it:

To map the tobacco soils of the United States; to investigate the soils and conditions of growth in Cuba, Sumatra, and other competing countries.

If the Senator will pardon me for a moment, I will call his attention to the fact that in my State tobacco culture has become recently very profitable, and it came into that State, as I said yesterday in the Senator's absence, by reason of the fact that notwithstanding we had hard-headed, sensible men there who, to quote the Senator, "knew what their soils would produce," they never knew, until a Virginian who was acquainted with the culture of tobacco came along, that we could grow the finest bright tobacco; and we are now competing with Sumatra and Cuba, and we want the technical information as to how better to compete.

Mr. HALE. I do not want the Senator to make a speech, even if it is a good speech, in my speech. If he has any question to ask I shall be glad to answer it.

Mr. TILLMAN. I am only quoting to the Senator the law as it is now, upon which he is animadverting.

Mr. HALE. The Senator is repeating it over and over again. That law, as it has been called, has been brought to my attention three or four times here. It is no law. It is simply a provision

for a moderate amount of money for certain purposes, so limited in its amount that it was not dangerous.

Mr. TILLMAN. But the Senator—

Mr. HALE. Mr. President, I can not yield.

The PRESIDING OFFICER. The Senator from Maine declines to yield.

Mr. HALE. I ought to have objected last year, but it was a little baby. It did not attract my attention enough. I ought to have seen what would come, that this year it would be three or four times as large, and would mean the organization of this new band of Government officials seeking to go all over the earth and report upon its condition. This year it has leaped right up nearly 400 per cent, and, as I said, if it goes on at the same rate, in less than ten years it will take more than a hundred million dollars.

I do not know that it is any use to object. It seems to me sometimes as if nothing is so thankless in the present condition of things, whenever interest and every scheme is organized to loot the Treasury, as to object. The general demoralization that has seized upon the public mind, upon Congress, the tremendous expenditures that stand before our eyes every day, have demoralized the human mind. We are incapable, Mr. President, of reading and understanding and appreciating figures in the presence of the tremendous expenditures which some day will come back; and when the people realize it, those who are responsible for them will call on the rocks and mountains to hide them from the uprising of the people against this extravagance. It is too early yet, evidently. Every measure is urged because it has some great interest or industry or class behind it, and when we get to the end of this Congress and figure up the appropriations the sums will be larger, very considerably larger, than any estimate that has been made here on the floor of the Senate by any authority upon these subjects. It is in just such times as these that these things come in. I should not have been attracted to it if I had not looked over it and seen how it leaped up from last year to this year, and this year I realize that I ought to have made the point last year or year before. Now I know and I see, and Senators now see.

The amendment is clearly subject to the point of order. It is a great system of general legislation. I do not know whether the Chair, upon the intimation which has been given, will decline to rule upon the point of order, but undoubtedly as a parliamentarian, I know how he ought to feel about it. He may submit it to the Senate, and Senators may vote this in; but I give them fair warning that they are then only starting on this road, and that when it goes through you will have next year four or five or six times as large an appropriation asked for, and it will go on from year to year.

Mr. HANSBROUGH. Mr. President, as I understand it, this provision was inserted in the bill largely upon the suggestion of the farmers of this country, who have communicated with the Secretary of Agriculture on the subject.

The Senator from Maine states that it is not desired by the farmers. I submit that the Senator from Maine, who made the startling statement here this morning that he is a farmer, knows but very little about the farming interests of the United States. He may be what is termed an agriculturist, but I do not admit that he is a farmer. There is a wide difference between an agriculturist and a farmer. Horace Greeley, I believe, was an agriculturist, and his cabbages cost him a dollar a pound. But he was not a farmer. Experience proved that to be a fact. So I submit the Senator from Maine is not much of a farmer and knows but very little about what the farmers in this country want.

Mr. FRYE. Which Senator from Maine?

Mr. HANSBROUGH. The Senator from Maine who usually sits directly in front of me. I do not mean the junior Senator from Maine [Mr. FRYE].

Mr. President, I do not share in the alarm which has been given here by the senior Senator from Maine [Mr. HALE] as to the enormous extravagance of this appropriation. I do not believe it is going to run into the hundreds of millions of dollars, as he claims it will, or anywhere near it.

I know something about the examination of the soils in my own State. Of course, farming in Maine and farming in North Dakota are two different propositions. There we sow wheat and other grain with the improved modern drills, but on the hillsides of Maine they are obliged to plant their corn, I am told, by shooting the seed into the ground under the rocks with a rifle. There is a great difference between planting in Maine and planting in North Dakota or elsewhere in the great agricultural regions of the country.

In the State of North Dakota the examination of soils has been made for the past few years with a great degree of success, and I have every reason to believe that the work is almost completed at the present time. It does not require much work to ascertain the qualities of the soil of a farming State, and all the States in the West are farming States and are interested in this provision. It is not an expensive business, this examination of soils. I venture to say that most of the work of the examination of soils in my

State is finished to-day, and that the Secretary of Agriculture knows, practically as far as he desires to know, the qualities of that soil. It may be true that he now desires to make a chemical analysis in order to improve the grade of wheat, or flax, or oats, or barley, or other grains which we raise in great abundance in that State, and I agree that that ought to be done.

Mr. President, I do not agree with the Senator from Maine that this is going to run into a great sum of money. The Senator from Maine has recently acquired the habit of materializing the ghost of extravagance on the floor of the Senate. I am not predisposed to vote the Government's money away recklessly, but in cases of this kind, where an appropriation like this goes directly to the basis of our institutions, so to speak—agriculture—I think the Senate ought not to be niggardly in the matter.

I hope this provision will remain in the bill, that it will be kept there by the Senate.

Mr. McCUMBER. Mr. President, I appreciate very much these sudden rushes toward economy. It is certainly refreshing to know that we speak on the side of economy once in a while. In the two sessions, however, of this Congress it has been observed by me at least that every time we ask for an appropriation toward the amelioration of the conditions of the farming communities of this country the cry of useless extravagance is always raised. I noted that at the beginning of the first session of this Congress. A bill passed this body providing for the expenditure of \$30,000 or \$60,000 for a commission to visit Japan and China to investigate conditions there and to ascertain whether we could introduce our wheat and our flour products into those countries. As soon as it got to the House it was found to be excessive and extravagant and nothing could be obtained in that line.

Mr. President, I want to say here that the greatest benefit which has been obtained in my State from any character of legislation has been obtained through the Agricultural Department. The great expanse of the Red River Valley was but a few years ago dedicated only to the raising of wheat. It is now quite certain that it can be utilized for other purposes. A few years ago, on account of our long winters and the small amount of grass in the valley, it was presumed that we could not possibly compete with the balance of the country in stock raising. Lately, by testing a number of grasses that have been recommended by the Agricultural Department, and having in view the character of the soil in which those grasses can be grown, it has been found that we can raise stock quite successfully now, even in the valley which a few years ago was supposed to be adapted only to wheat culture.

Mr. President, we know that we get benefits in this way, and I can not see how any Senator can refuse to grant this little appropriation to determine what sections of our State and what sections of other States in the United States are adapted particularly to different characters of cereals.

There is another thing I desire to say here. It seems to me that our economy runs into extravagance in some cases. We can not afford to expend \$100,000 or a few hundred thousand dollars, or what Senators say will amount to a million in a few years, for the purpose of directly informing the farming community what cereals they can successfully raise in their particular sections or what character of roots can be successfully raised there, and yet, at the same time, we can vote, as we did at the beginning of this session, \$5,000,000 for an exposition down in one of the Southern States, where we can build out of cement beautiful structures showing a great deal of advancement in architectural designs, and in which we can display a great many of our agricultural products, not the usual character of agricultural products in any section, not the medium of what may be obtained from any section, but the very best that may be obtained by excellent care at an enormous cost. We can spend that money so that people may go and look at those articles and get an exaggerated idea of the places where they can be raised, and yet at the same time we can not afford \$100,000 to be expended in determining what sections can raise the articles which the people, at an expense of five or ten million dollars, have been invited to look at.

Mr. President, it seems to me that as little as has been done, and possibly as little as can be done, in this country for the direct benefit of the agriculturists, who can not be protected by any character of tariff, they being all exporters, we certainly ought to grant them enough consideration to give them the benefit of an expenditure to determine what portions of their country are adapted to the raising of the many products; and this can only be determined successfully and properly, not by a few experiments, which may cost hundreds of thousands of dollars, but by experiments made through the channels of the Agricultural Department which may result beneficially to the people.

Mr. President, we are reminded here that we are demoralizing the country by these excessive contributions. I want to say that if even a small portion of the sums of money which we are constantly called upon to appropriate for higher and higher salaries

of individuals were utilized for the benefit of those people who may be required to pay the salaries, it seems to me there would be ground for economy in that line. The Northwestern sections, the wheat-growing sections of the country, and especially those sections which it has been supposed were adapted to only one or two or three kinds of cereals are demanding, and justly demanding, the relief that is sought in this bill, and I certainly hope that it will be accorded.

Mr. CHANDLER. Mr. President, since the point of order was made by the Senator from Maine the debate has been wholly upon the merits of the proposition. I supposed the Chair, before making the decision, would not be unwilling to hear a little debate on the point of order.

The PRESIDING OFFICER. The Chair invites debate upon that point.

Mr. CHANDLER. Now, Mr. President, with reference to the point of order, it seems to me that it is not well taken by the Senator from Maine. If there had been nothing in the House bill, I suggest to the Chair, on this subject of soil investigation, concerning a division of soils or a bureau of soils, it might perhaps be well decided by the Chair that this long amendment would not be in order. I call attention to the fact that this clause, upon which the Senator from Maine makes a point of order, is a substitute for lengthy provisions of the House bill. In the House bill, on page 30, is a heading: "Division of Soils, salaries," and provision is made for the personnel of that division. Then follow on two pages and a half the appropriations for soil investigation.

The Committee on Agriculture have retained all of these provisions in reference to soil investigation, and have added other provisions, and clearly it is within the province of the Senate to do that thing. There is no rule of order prevailing in the Senate which by any possibility prevents the Senate from varying, from subtracting from and adding to the House provision. We can not get rid of the House provision upon a point of order in the Senate. We must accept it, or reject it, or amend it.

The Senator from Maine, therefore, I think is clearly wrong in reference to his point of order; probably because he overlooked the fact that the amendment to which he objected is an amplification of the House provision.

And, Mr. President, here I wish to say that I do not think the Committee on Agriculture and Forestry should have amended the bill in this way. I think a vicious system is growing up in the Senate of striking out provisions of a House bill which are in fact retained, but enlarged or changed. The committee, I respectfully submit, should have retained the House provisions and should have made the necessary changes, and then nobody would have thought of making this point of order.

Mr. PROCTOR. Will the Senator from New Hampshire allow me a moment?

Mr. CHANDLER. All these provisions on pages 30 and 31 which are stricken out are retained in the amendment of the Committee on Agriculture. I yield to the Senator from Vermont.

Mr. PROCTOR. The purpose of striking it out was because of the change of the organization from a division to a bureau. That made necessary so much change that it was thought better to change the form and insert a new provision in lieu of that adopted by the House.

Mr. CHANDLER. It was thought better. That undoubtedly was the judgment of the committee. So when the Committee on Finance was called upon to deal with a House taxation bill, instead of amending the text of it they struck it all out, and we sent back to the House a wholly new bill, and debate takes place as to whether the Senate has or has not exceeded its powers under the Constitution. Whilst I do not think the Senate did exceed its powers under the Constitution, which allows the Senate to propose amendments to revenue bills, yet I think, and take occasion to say, that a system under which the whole of the House bill is stricken out and a new Senate bill is substituted, and then the bill with the substitute is sent to a conference committee, is a system which ought to be restricted and condemned instead of being enlarged and practiced upon.

But, Mr. President, the amendment in this case is, as I submit, although mistakenly made in form, an amendment that is clearly admissible according to the rules of the Senate.

Now, one word, Mr. President, about the merits of the amendment. I think the Senator from Maine does a public service whenever he calls the attention of the Senate to the tendency of Congress to extravagance. On this side of the Chamber we ought to realize very well that notwithstanding we may get help from Senators on the other side of the Chamber in enlarging specific appropriations, yet when the sum total of the appropriations of this Congress is made up and an issue is made with the people concerning the extravagance of the Fifty-sixth Congress, those very Senators will denounce the Republican party for its extravagance, and they will not take occasion to say, "We helped a little about it ourselves."

No Senator upon the stump will say, "These enormous appro-

priations were extravagant; I was against a great many of them, most of them, but I did get my little bill through." When the Senator from South Carolina [Mr. TILLMAN], who is a frank and a candid man, raves upon the political stump two years from now about the extravagances of the Fifty-sixth and Fifty-seventh Congresses, he will not give the Republican party any credit for the few little things done for him at his request and with his help.

Mr. TILLMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from South Carolina?

Mr. CHANDLER. The Senator gets up to ask questions continually, and he is yielded to in order that he may ask them; but he never asks a question; he always interjects a speech into somebody else's speech.

Mr. TILLMAN. I will ask a question this time.

Mr. CHANDLER. Will it be a question? I will yield if it be a question.

The PRESIDING OFFICER. The Senator from New Hampshire yields for a question.

Mr. TILLMAN. I wish to ask the Senator if his State were paying taxes—as it is, I suppose—and yet when the distribution of those taxes showed clearly that for \$1 paid into the Treasury they got back about a dime, would he not be willing to get almost any kind of an appropriation for his State, even though it was a little tainted sometimes with lack of public utility, when he saw so many millions going for dishonest ship subsidies and the like?

Mr. CHANDLER. Yes, Mr. President; I would be willing to get for my section an appropriation for anything that was needed. We all know the principle of the Senator from South Carolina. He has announced it over and over again in this Chamber in connection with tariff bills: "Tariff legislation is robbery; but if the robbery is to take place, I want South Carolina to have its share of the robbery."

Now, Mr. President, I would not state that I would be willing to do that, no matter where the moneys are collected and no matter how they are expended. I do not think I would ask for New England an appropriation of Congress for any object if I did not think it was useful to make that appropriation. I do not say that the Senator from South Carolina or any other Senator on the other side of the Chamber asks for appropriations for his section which he does not think are really needed.

What I called attention to was the fact that after all, when the appropriations of this Congress and of the first session of the next Congress are made up, and there is a political campaign to determine what shall be the complexion of the next House of Representatives, the Republican party, which is the party in power in the country, will be overwhelmed with assaults because of its extravagant appropriations of the public money; and therefore I think the Senator from Maine and Senators on this side of the Chamber do well when they utter a word of caution in connection with any appropriation which is made.

Mr. President, while I shall vote for this amendment, and am willing to give the sum specified here, \$91,000, for all of these objects, yet I respectfully call the attention of the Committee on Agriculture, and to the farmer on the other side of the Chamber, and any other farmer on the other side of the Chamber, to the fact that \$91,000 is an insignificant appropriation with which to do all of these things. The Senator from Maine has recited them. Senators have the propositions before them as to what this Division of Soils is to do. Ninety-one thousand dollars will not begin to scratch the surface of their duties. They will not undertake to cover the whole ground of that provision during the next year. They will spend the \$91,000. Undoubtedly they will investigate the part of it in connection with tobacco. My friend from South Carolina will not give the Department of Agriculture any peace unless it does spend some portion of that \$91,000 for the objects he thinks ought to be investigated first.

But, Mr. President, not one-tenth of the ground which it is proposed to cover by this amendment will be covered by the \$91,000, and what will the result be? The Secretary will tell us next winter that he has not been able to cover this ground, which Congress has directed he shall cover, and he will ask for a larger appropriation. So, as the Senator from Maine says, \$100,000 will go up to \$200,000. We shall be fortunate if there is not a deficiency. If the Secretary undertakes to cover this ground, it will be a hundred thousand dollars next year, and \$300,000 the next year, and so on until it is quite likely this Bureau will grow up to be an extravagance.

Now, Mr. President, if we are going to be extravagant I am willing to see the country extravagant in connection with agriculture. If we are going to be extravagant in the money that we are going to pay the railroads for the transportation of the mails, I am willing to vote for the proposition to expedite the Southern mail service; but I think a few more arguments in favor of economy, as to whether it would be as well placed in connection with agriculture as in connection with some other subjects, will not do the Senate any harm.

Mr. BACON. Mr. President, I do not agree with the senior Senator from Maine [Mr. HALE] in the contention that his point of order is well taken. This is a general appropriation bill for the Department of Agriculture. Now, in the rule which is, I presume, invoked to sustain the point of order, we find these words on page 16 of the Manual:

And no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be to carry out the provisions of some existing law.

That is as far as it is necessary to read for the purpose of testing the particular amendment as to whether or not it is in accordance with the rule.

I repeat, this is a general appropriation bill for the use of the Agricultural Department, and the simple question is, this being an amendment, whether or not it carries out the provisions of an existing law. That is the simple test.

Now, what are the purposes for which the Agricultural Department is organized? Of course an appropriation to carry out the purposes for which it is organized as that purpose is declared by the law is a legitimate appropriation. In the organization of the Agricultural Department, which is found in section 520 of the Revised Statutes, we have these words; the very first section of the law passed in 1862 organizing the Agricultural Department is as follows:

SEC. 520. There shall be at the seat of government a Department of Agriculture, the general design and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture, in the most general and comprehensive sense of that word, and to procure, propagate, and distribute among the people new and valuable seeds and plants.

The last phrase in that section calls to mind a suggestion which may be used in illustration of the argument. Every appropriation which is made for the purchase of seeds is made by virtue of the fact that there is a general provision of law which authorizes the Department to procure seeds. It is upon that ground that no point of order could be made against any amendment to an appropriation bill making an appropriation for the purchase of seeds.

The simple question is whether the investigation of soils and the mapping of soils is any such information as that which is contemplated by this section of the law.

The general design and duties of which—

Speaking of the Department of Agriculture—

The general design and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture, in the most general and comprehensive sense of that word.

Can there be any general and useful information more important than the question as to what particular soils may be fitted for in the work of agriculture? Where are you to draw the line, Mr. President? Of course there might be provisions put into an appropriation bill which it might be claimed fall within the limitations of this description. They might fall in the classification of useful information on a subject connected with agriculture, and yet there might be some such thing alleged to be within that class which would be so ultra as to call forth a ruling by the Chair that it does not fall within the classification. But wherever there is any subject which falls legitimately within the classification of useful information on subjects connected with agriculture it certainly does not fall within the prohibition of the rule when an appropriation is made for the purpose of carrying it out.

I can not conceive of anything where the information would be more useful and would be more certainly recognized as useful information connected with the subject of agriculture than information as to what particular products are to be considered as within the legitimate labor of a farmer on certain soils and what others he need not attempt because they would not be productive. I do not think, Mr. President, it is necessary to elaborate that. It may be that I am wrong in my conclusion, but it seems to me to be so plain that this particular appropriation falls distinctly within the limits of the general law now existing as not really to be improved by elaboration or argument.

As the debate has extended a little beyond the point of order, and we are to consider the general question, I will say that I do not share with the Senator from Maine the apprehension as to the vast expenditure which this will lead to.

I do not understand, Mr. President, as has been suggested by the Senator from South Carolina, that it is contemplated that there shall be a detailed topographical or physical examination of the soil in every county in the United States. I understand that as to some classes of products the information is already, within certain limits, in the possession of anyone who will be apt to be chosen to the position of Secretary of Agriculture. For instance, when a map comes to be made on the subject of cotton, while it would not be considered necessary for the Secretary of Agriculture to go to South Carolina or to Georgia for the purpose of ascertaining whether or not cotton can be successfully raised in those States, or to Texas or Alabama or Mississippi, there will be

a certain color just for the purpose of illustration to be used on that map to indicate the cotton country; there will not be a question asked about South Carolina, Georgia, Alabama, Mississippi, Louisiana, Texas, or Arkansas, but that color would be put upon the map without any investigation, because there are certain sections of the country where it is known beyond doubt that cotton can be successfully raised. But there are some sections of the country where that map, in the portrayal of something to the eye which would indicate the character of the soil with reference to production, would have to be shaded off.

A man in the Northwest, for instance, may desire to go to a cotton-raising country. Cotton is raised in some parts of Tennessee, but not in other parts of Tennessee. In some parts of North Carolina cotton is grown successfully, but in other parts of North Carolina conditions have gradually changed until in those parts of North Carolina it is not grown productively.

Take the subject of the sugar beet, which is a very important one, and one which I think possibly in the future will be very much more important than is now realized. There are some sections of the country where it is known that the sugar beet grows with success. There are numbers of States within certain areas where the investigation will not have to be made; but as in the case of cotton, so in the case of the sugar beet, the territory in which the sugar beet can be productively raised gradually shades off to where it can not be productively raised. For instance, in my State very serious inquiry was made as to whether or not the sugar beet could be successfully grown there.

Other kinds of beets are grown there for edible purposes very successfully; and a great many people have been of the opinion that the sugar beet could be successfully grown there. But investigation has led to the conclusion—not entirely fixed, but one which would be very much more certainly ascertained by the Agricultural Department—that conditions do not favor the growth of the sugar beet in that section of the country; and yet there is a very large intervening section between Georgia, where it can not be successfully grown, and Nebraska, if you please, where it can be, which is debatable and doubtful ground.

It is the same as to fruits. Nobody wants to know or to be told that the peach industry or the watermelon industry can be successfully undertaken in Georgia; they do not want to be told that it can be successfully undertaken in Delaware or Maryland; but they do want to be told that there are different varieties adapted to different sections, and thereby very much is saved, not only to the farmer in making useless experiments, but very much is added to his profit by his being able to direct his industry intelligently. I might go further with the illustration as to fruits, vegetables, cereals, and farm products of all kinds.

I do not apprehend that there is going to be the immense expenditure which has been stated—certainly not in this bill; and if the time comes when it shall be shown that there is this immense expenditure, the question will be whether it is a profitable expenditure. If it is shown to be a profitable expenditure, I do not see why Congress should hesitate in making the expenditure for these particular purposes when it does not halt at others which involve a very much larger amount.

Mr. TILLMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. BACON. I yield for a question.

Mr. TILLMAN. I was just going to remind the Senator as to the mapping of which he speaks, and which he is advocating, in regard to the culture in Georgia, for instance, of peaches that there are certain sections of Georgia and South Carolina where peach growing is very profitable, and where it is already being very largely carried on; but there are other sections in those States where it is impossible to raise that fruit at all, and certainly not not profitably. This map would shade those sections.

Mr. BACON. That is quite correct; and in this country, where we have so many facilities for intercommunication, for change of residence, and all that, we have a great many people in the Northwest, for instance, who are looking toward the fruit section, desiring to enter into that industry, and it is very important for them to know to what particular section they should direct their attention. In the same way there are those possibly in the South who want to go into a section where they can engage in the sugar-beet industry and things of that kind.

I will now return to the question of expenditure. The amount involved here is certainly small compared with other expenditures which are made for other industries. The Senator from New Hampshire rather makes an attack on the Senator from South Carolina on the ground that there is universal condemnation by him of the tariff, that it is all robbery, etc.

Within certain legitimate bounds the tariff is not robbery; certainly where it is intended for the purpose of raising revenue it is not. But I want to call the attention of the Senator from New Hampshire to the difference in the amount of expenditure—practically expenditure, for if it does not come directly out of the

Treasury, at least it comes out of the pockets of the people—that the legislation of this country secures for the manufacturing interest. I am not attacking that interest in any way, but I just wish to make the contrast. As the Senator from North Dakota says, it is impracticable that the farmers can have any benefit from the protective tariff; and it is a fact that some \$250,000,000 or \$300,000,000 a year is paid by the people of the United States in the way of tariff duties, all of which goes directly or indirectly for the benefit of those manufacturers, and it is a fact which I presume will be readily recognized that in addition to these direct taxes in the enhanced price of goods—I am speaking generally, not of all classes, of course—the enhanced price will represent two or three times as much—I think it is a conservative estimate—as the amount of the tariff. So that we have from \$750,000,000 to \$1,000,000,000 every year contributed by the people of the United States for the benefit of the manufacturing classes.

I am not saying anything against the manufacturing classes. We have a great amount of manufacturing in my own State. I am very much gratified with that, and it is a growing interest. I am simply calling attention to it in order that we may realize the vast difference between the amount which, directly or indirectly, the manufacturing classes enjoy in comparison with that which the agricultural classes can enjoy from the Government and the people of the United States.

We have here an appropriation of some \$90,000,000, which affrights Senators who more particularly represent the manufacturing sections of the country, when the fact is that the manufacturing interests are, directly or indirectly, benefited at the expense of the people of the United States by from \$750,000,000 to \$1,000,000,000 a year.

What the Senator from New Hampshire says is correct, that the Republican party will be held responsible for the aggregate of expenditures. There is no doubt about that. But the Senator is incorrect when he suggests that we on this side of the Chamber are always ready and willing to join with them in swelling the amount of expenditure. I will say to the Senator from New Hampshire that upon this side we are not only making the most strenuous effort to save the Republican party from the expenditure of some two or three hundred million dollars, which they would incur if they passed the ship-subsidy bill, but to that extent we are endeavoring to keep down their expenditures, and are doing that which will ultimately be to their own interest; and the amount which we expect to save in the defeat of the ship-subsidy bill is one so much larger than the amount required for this slight benefit to the agricultural classes that they can scarcely be mentioned in the same breath.

But, Mr. President, the legitimate question—and I return to it only for the purpose of emphasizing what I said in the beginning—is whether or not this is a good point of order which has been made against the amendment. I repeat that under the section of the Revised Statutes which says that the Agricultural Department is organized for the purpose of acquiring and diffusing “among the people of the United States useful information on subjects connected with agriculture, in the most general and comprehensive sense of that word”—I say that under that section there can be no question of the fact that this appropriation is directly in furtherance of existing law and made for the purpose of carrying out existing law.

Mr. LODGE. Mr. President, I had almost begun to fear that, owing to his interest in agriculture, the Senator from Georgia [Mr. BACON] had lost sight of the point of order, but he returned to it finally. I think, therefore, that he and the Senator from New Hampshire [Mr. CHANDLER] have taken such good care of it there is no danger of its dying of neglect, although I think they are wrong in their contention, for it seems to me the point of order lies against the amendment.

I did not, however, rise for the purpose of discussing the point of order, nor for the purpose of discussing the details of this appropriation or its agricultural merits. It seems to me there is a bill on this Calendar at this moment which is a great deal more valuable to the farmers than this appropriation can ever be, which would not cost the Government anything, and which would tend to honesty in our sales of food products. I wish some of this fervent agricultural interest was given to that.

Mr. SPOONER. What bill is that?

Mr. LODGE. The oleomargarine bill; what is known as the Grout bill. It is not a bill which involves any expenditure. I think it would promote pure food. I shall not discuss the details of the bill. I think it would be of very great benefit to the farmers of this country; but on neither of these two points, neither the point of order nor the merits of the appropriation, do I desire now to say a word.

I do not like, Mr. President, to hear sneers at economy. The Senator from Maine [Mr. HALE], who spoke in favor of greater economy in appropriations, is not an unreasonable man in those respects, and I think the warning he has given possesses a gravity which we ought all to heed without regard to party.

The appropriations are mounting up to an enormous figure. There are certain appropriations which ought to take precedence of all others, in my judgment—appropriations for the defense of the country, for our fortifications, for our Navy, for our Army, for the proper conduct of the Government. I have never been one of those who has hesitated to vote ample appropriations in every direction where they were necessary for the promotion of the public defense or the maintenance of the dignity and the power of the Government at home and abroad.

There are many other subjects of appropriations, however, amongst which we may choose and which are not immediately essential. I think, Mr. President, that anyone who looks attentively at the present conditions of our appropriations and those which are proposed will see the dangers into which we are running. Here, for example, is a river and harbor bill now pending in the committee. We know what it brought from the House; we do not know what it will bring to the Senate. There are appropriations needed, greatly needed, for the Mississippi, for certain of our great ports on the Atlantic and the Pacific, for all those improvements which tend to cheapen transportation, and in cheapening of transportation lies the ability of the United States to compete successfully with our trade and commercial rivals. But yet, Mr. President, it is an open secret that that bill as it came from the House of Representatives—I do not say what our committee is going to do—but that bill as it came from the other House is in danger of failure because it is loaded down with appropriations beyond any reason, for purposes which are not immediate and which are not imperative.

I feel at liberty to say this, Mr. President, because nobody has a greater interest in the passage of the river and harbor bill than I have, owing to the appropriations made for the harbor of Boston, the second port in exports and imports in the United States—appropriations which are absolutely vital to our commerce and to the commerce of vast regions of the country. But I can not close my eyes to the fact that the bill has been loaded so indiscriminately that it is now in imminent danger of failure. The reason of it is the unceasing cry, the unreasoning pressure, from every possible harbor and every possible river in this country, driving on members of the House and of the Senate to demand appropriations to such an extent that good and bad are likely to go down together.

Again, Mr. President, we are building up a series of new industries in this country quite different from the industries that have grown up under the tariff; one is the industry of expositions. The United States makes an appropriation for an international exposition at Chicago, very properly—one representing the whole country. The example is alluring. Another exposition is held here, another there, and another elsewhere. Expositions have become an industry, and they are planted and they grow in the Treasury of the United States—\$5,000,000 for St. Louis, \$500,000 for Buffalo, \$250,000 for Charleston. If you give to one, you ought to give to all the others. So there is a great new industry which is growing up, and every town and city in the United States is coming forward to have its turn. If this continues, it is difficult to imagine the vast expenditure which will ensue. This new industry must be checked.

We have a great many battlefields in this country—battlefields of the Revolution, battlefields of the civil war, places of immense interest to the people of this country. One or two of them have properly been taken as monuments of the wars of the United States and of great historical events. Now there has sprung up an industry of selling battlefields to the United States. A great real-estate movement in battlefields has set in, backed by local interests, and playing upon patriotic sentiment for success.

There is also a continual pressure here to have the United States go about in the different States and raise monuments to local heroes or in commemoration of local events. This is a particularly good place for economy.

I have a sympathy with many of these objects; I have voted for many of them; but, Mr. President, they are not necessary to this Government. We are running on and exercising no discrimination in our appropriations; they are mounting up; they will be \$750,000,000, we are told. I am not an expert in the matter of appropriations, but we are pushing on toward billion-dollar appropriations in a single session. We have got to draw the line somewhere. We must first make up our minds as to what appropriations the country, the whole country, needs, those where economies ought not to be practiced, where, indeed, economies would be worse than extravagance. Then let us see where we can economize. There is a wide field. We are running into an amount of appropriations which is beginning to alarm the country.

It has been said here this morning that the Republican party would be held responsible for these extravagant appropriations. Of course they will, and properly so. They are the party in power; they are the party in control of both Houses of Congress; they will be held responsible and ought to be held responsible; and they

ought to look well where they are going with these great appropriations in every direction.

But, Mr. President, there is something broader and larger in this than party, and that is the country. We ought to look more attentively, I think, at where we are spending the public money; we ought to see that the needless is not appropriated for. The necessary should be first attended to, the superfluous cast off, and those not immediately necessary reduced to reasonable limits.

It is not an idle statement which the Senator from Maine has made here this morning, and it is not a statement to be sneered at or laughed out of court by men of either party. It is a very, very grave question, and in the days that remain to us of the session this Senate ought to look to it that a mass of needless appropriations is not heaped upon the taxpayers of this country.

Mr. HANSBROUGH. Mr. President, for my part, let me say that I did not give utterance to anything, I think, which could be construed into a sneer in regard to what the Senator from Maine [Mr. HALE] had to say here this morning. I deeply sympathize with that Senator, and also with the Senator from Massachusetts [Mr. LODGE], in regard to these appropriations.

I have never advocated large and extravagant appropriations in any respect. The argument I used this morning was that this provision carried an appropriation recommended by the Secretary of Agriculture upon the solicitation of the farmers of the country. I have faith in the Secretary of Agriculture. He himself is a farmer, and knows the needs of the farmers of this country certainly better, I think, than a great many Senators in this body.

Mr. President, I suppose that I should confine myself to the point of order; but I am not going to speak on the point of order, because I think the Senator from New Hampshire [Mr. CHANDLER] and the Senator from Georgia [Mr. BACON]—and I am always glad to agree with the Senator from Georgia if I can—have covered that point.

I do not believe that this provision is subject to the point of order, because the House of Representatives has legislated upon this question and the Senate has legislated upon it. The Committee on Agriculture merely brought a provision here which was amendatory of the provision which came from the House of Representatives. I do not concede, therefore, that it is new legislation.

To return for a moment, Mr. President, to the question of extravagance. The Senator from Maine, as I have stated, is deserving the sympathy of the Senate for his efforts in the line of economy. I thought the other day, when the Senator arose here and asked for the passage of a bill for the establishment of a lobster hatchery in Maine, that he was a little extravagant in that regard, but I may be wrong. I did not say anything about it. I thought I would let it go, because I have great respect for the wisdom of the Senator from Maine. He usually knows what he wants, and he usually gets what he goes after. So I concluded not to interfere with his lobster hatchery, yet I have grave apprehensions about it. Who can tell where it will end and what it will cost?

Mr. TILLMAN. The Senator from Maine likes broiled lobster. [Laughter.]

Mr. HANSBROUGH. I know, on the other hand, that the people of New England require lobster. They have reached that æsthetic stage, Mr. President, where they can not get along without lobster. They must have sea food, and plenty of it. [Laughter.] I sympathize with them, or rather, I mean to say, I am glad that they have succeeded in getting their lobster hatchery.

Out in the Western country, whence I come, we like fish also, but catfish is good enough for us for a while. We may reach the lobster stage ourselves some day, and I hope we shall. [Laughter.] Meantime we want to protect the institution of agriculture.

I am going to refer again to my own State briefly. The Secretary of Agriculture some eight or ten years ago made an investigation in regard to the adaptability of the soil of North Dakota to the culture of the sugar beet. Before that time, if anyone had suggested that we could raise sugar beets in that northern clime it would have been cause for derision and smiles; but after those investigations it was developed that the sugar beet could be raised in that country, and that the beet which was raised there contained a larger degree of saccharine matter than the beet raised in almost any other clime.

What is the result? We are establishing to-day beet-sugar factories in the State of North Dakota as the result of the investigations of the Secretary of Agriculture, encouraged by the appropriations coming from Congress.

I do not believe that this enterprise of soil investigations is going to grow into the extravagant appropriations referred to by the Senator from Maine. I doubt if it will exceed the present sum asked for; and, if so, I think it will exceed it but very little. Of course, we are asking for more this year than we did last year; but, as I stated this morning, it is an easy matter to get over the agricultural sections of the country. The time is near at hand when, through the encouragement of Congress, the Secretary of

Agriculture will be able to have the entire agricultural region examined, and to have reports upon the adaptability of its soil, chemically, industrially, and otherwise.

Mr. CAFFERY. Mr. President, the Senator in charge of this bill informs us that the whole expense of the Bureau of Soils will be about \$91,000.

Mr. PROCTOR. Aside from salaries.

Mr. CAFFERY. Aside from salaries.

Mr. PROCTOR. The total expenditure is \$109,000, and \$91,000 is for investigations.

Mr. CAFFERY. Mr. President, there is no branch of industry in the United States that has progressed so rapidly as agriculture. As the soils of the new States become worn out it is necessary to apply advanced methods of cultivation to the old soils. It is further necessary, in view of the development of the results from the scientific application of fertilizers to the soils, that the texture of all soils in the United States should be thoroughly understood. Everybody knows, or ought to know, that soils have three essential elements of plant food—phosphoric acid, ammonia, and potash. Soils that are destitute of one or other of these essential plant foods ought to be supplied with them by commercial or other fertilizers.

As a remarkable instance of what can be effected out of soils, I will cite the growth and culture of the sugar beet in Germany. When that plant was first introduced there from France, it having been brought over to France by Napoleon when he returned from Egypt, there was only 7 per cent of saccharine in the sugar beet. The Germans now, by the application of proper fertilizer, have increased that percentage nearly 300 per cent. They have got up as high as 18 per cent of saccharine. This therefore demonstrates the necessity of an examination of the soil, the texture of the soil, the component parts of the soil, what fertilizing properties they possess, and what fertilizing properties are necessary to their development if they do not possess the requisite quantities.

Now, again, as to the effect of climate upon soil, I read a very interesting account a few years ago of an experiment made by a French chemist, and it was about this: He took a willow twig and a box of dirt, dried the dirt, expelled every particle of moisture from it. He weighed the twig and he weighed the dirt. After doing that he put the twig in the dirt, watered both, and continued to water the twig during its growth. After the twig had grown into some proportions, he weighed both the dirt and the twig, as he had done at the start. It was discovered that the twig had grown in weight about 16 pounds and the dirt had lost a couple of ounces. That shows the necessity of these climatic investigations—what part the atmosphere performs in plant growth. So we perceive that this provision for the examination of the texture of the soil and the climatic influences upon plants is one of great necessity.

Again, there is provision made for examining into seepage and drainage. That occurs to me to be a very important branch. I read in the *Encyclopædia Britannica* some years ago of the experiments made by the British Government in the matter of underdrainage, affecting seepage and drainage generally, and from the results of the examinations made by the Government it was ascertained that common soils would produce 50 per cent more of product by underdrainage than without it. So this underdrainage is very necessary. Underdrainage is being resorted to throughout the West to a very considerable extent. Who except the farmer from Maine and the other farmer from Massachusetts—I suppose him to be a farmer in some lines—grudges the farmer this pittance of \$91,000 or \$109,000 to make an investigation into all these matters to discover the influence of climate and the influence of drainage on all plant life?

Mr. President, anything that benefits the farmer is not in the line of extravagance. He is the backbone of all our industries. Whatever benefits him benefits the whole community, and any appropriation looking toward his benefit, any appropriation giving him enlightenment, telling him what to do with the soil, what sort of soil he has, how he can manage it, what fertilizer to apply to it, is a provision not in the line of extravagance, but a provision in the line of economy. Whatever increases the product of the farm decreases the price of the product to the consumer.

We have been treated to two lectures, one of a paternal, fatherly, kindly sort, from the Senator from Maine. He says he is a farmer; and perforce we must take his admonitions in the spirit in which he gave them. We will take them with as much docility as he administered them with kindness. But I venture to say that the Senator from Maine is not the kind of a farmer that the Senator from South Carolina is. The Senator from South Carolina has signalized his farming in the way that the ancient Greek signalized his having a brick house. He carried a brick in his pocket, and the Senator from South Carolina flourishes his pitchfork on every occasion. What sort of a fork the Senator from Maine uses I do not know. I presume it is a silver fork, with which he handles those dainty lobsters which the Senator from

North Dakota says supply the delicate appetite of the junior Senator from Massachusetts.

But the Senator from Massachusetts has not stopped at lecturing on general grounds. He has taken up specific grounds on which to lecture us. He has stated, however, that there is no expenditure that he will not support which can advance the general interest of the United States in the way of warlike armaments, as I suppose from his utterance, or in the way of providing for the common defense, which I suppose to be the extension of our boundaries and waging war against these subject peoples. But he singles out for his peculiar condemnation the river and harbor appropriations. Then he attacks the exposition feature of our extravagance, as he terms it, and then he invades the sanctuary of the grave and attacks the provisions that have been made for erecting into national parks the places where the great battles of the civil war were fought. I am glad, Mr. President, that I have no part or lot in that sort of economy. Without knowing, I believe, any of the details of the river and harbor bill, the junior Senator from Massachusetts has attacked its provision en masse, with the only exception of appropriations for the harbors on the seacoast. He has said that there were extravagant and unjustifiable appropriations made for streams that had no need of them.

I am one of the members of the Committee on Commerce, and I venture to say that while there may be a very few exceptional cases the mass of the appropriations are not only legitimate, but they are inadequate to the commercial needs of the locality where they are to be applied. We have to do two things in order to bring our commerce into actual transportation. We have to provide the means of communication from the point of production, and then we have to provide the means of transportation from a point on the seaboard from which the products are to be exported. An appropriation at the point of production is as valuable, if not more so, than an appropriation at the point of shipment to foreign countries. And why not? This is the only means that the American people have now to get competition with the great railroads that go from ocean to ocean, from the center of the country to the seaboard, and which, as everybody knows, have a trust on freights.

It behooves the American people in the line of economy so to improve the waterways as to afford a check, as to afford a barrier upon the gigantic trusts of the railroads. The Interstate Commerce Commission in every single report it makes says that the railroads discriminate in the teeth of the law. They charge more for a short than for a long haul. They discriminate in favor of one port as against another, one city as against another, and the only complete and perfect competition you can have against them, the only barrier or bar against their exactions, is a development of the waterways of the United States.

None of us, sir, have sneered, as the Senator from Massachusetts has said, about the extravagance of the Republican party. We do not sneer at it, sir. We are sorry for it. It is with sorrow that we see these enormous subsidies asked to be voted for in this body. A subsidy of a hundred and fifty million dollars, running up to three or four hundred million dollars, is nothing to the junior Senator from Massachusetts, but an appropriation to open the waterways of the country to commerce is something to the junior Senator from Massachusetts. I, sir, have no part in that spirit which charges extravagance to the American Congress for voting appropriations to mark with fitting memorial the last resting place of the heroes of the civil war. Every nation upon earth has done tribute to its dead. It goes outside of the law of ordinary legislation and it appeals to the best elements and best motives of human nature. Who regrets of those who wore the gray that the field upon which the valor of the South was exhibited should be decorated by the common contribution of the taxpayers of the United States?

I do not regret it, and I do not believe this pitiful economy advocated by the Senator from Massachusetts will be upheld by those of noble sentiments, by those who appreciate the valor of the dead, whom I see before me upon the Republican side. This is the sort of economy we are asked to practice, and we are asked to go into the extravagance of voting untold millions—for no man on earth knows what this subsidy will amount to in the end—to a lot of shipowners and shipbuilders who need no contribution from the American people.

Mr. MONEY. Mr. President, speaking to the point of order in the same style in which the Senator from Massachusetts [Mr. LODGE] did, I wish to say I am exceedingly gratified to find a man on the other side of the Chamber who is so devotedly attached to economy. He is working a good vein, and I hope it will not peter out before he has substantial returns from his labor.

But I think it is a pretty bad idea to begin his economy right upon an Agricultural appropriation bill, in a matter which is really of great importance to half the population of the United States. I suppose he has ransacked the soils of his State, so that there is no longer any necessity for a chemical investigation or an investigation of any other sort. In half of the State you would have to pulverize stone in order to get material for a chemical expert

to work on. But still there is something to be done in New England. It may be determined which species of white oak makes the best nutmeg, or how much cabbage should go into a Connecticut cigar to make it smokable. A great many things may be done for New England, although for a long time we have been devoting the resources of this country to her benefit, not only with experiments, but with things that go beyond that. There is a bill here, mainly for New England, which carries a sum of money the amount of which the Senator from Louisiana [Mr. CAFFERY] finds it impossible to state. I suppose he means because the sum total of it would simply shock and stagger the credulity of the Senate.

I am myself an economist, but I do not want to start with the farmers of the United States. I can say, however, that I am perfectly willing to join with the Senator from Massachusetts in stopping the extravagant expenditures for which the Republican party must assuredly be responsible, as he states. I will tell him that the way to do it is to stop that policy of the Republican party which requires over a hundred million dollars a year for both the Army and the Navy, designed to kill a part of the people of a country which a hundred years ago was to most of the people of the United States as far off as the moon, in order that the balance of them may be reduced to subjection. That would be a wholesale economy and one compatible with the national honor and the national interest.

The Senator looks upon the river and harbor bill as an offense to the Senate—at least to himself. Well, it may have its faults. Some obscure stream that can not afford navigation for ducks in high water will probably be surveyed, but hardly appropriated for. However, it is to the Senator from Massachusetts a very unseemly aggregate of expense. But that bill, as bad as it is—

Like the toad, ugly and venomous,
Wears yet a precious jewel in his head.

And that jewel to him is Boston Harbor. For its sake he will probably be able to tolerate it. I am willing to begin to cut down the river and harbor bill. I am willing to begin with Boston Harbor and leave that off this year and reduce the expenditures somewhat, if there is a real desire for retrenchment and reform in the matter of the river and harbor bill. I am myself a devoted advocate of that bill, and I do not believe, with all its mistakes, which are developed only by the engineers of the corps in their service and not by the committee, that any money has ever been expended by the United States which has brought so large a return to the people as has that appropriated on the river and harbor bill.

Mr. President, as far as concerns this provision here, I think it is in order. It is in order as an amendment to a proposition of the House, and we are certainly capable of amending any proposition that comes to us from the House. They more jealously guard against intrusion of new matter, and there points of order are more rigidly maintained than has been the practice at any time in this Chamber, and so, in that point of view, it is not subject to the point of order. In fact, that is not the matter talked about. It is simply upon the merits of the proposition, and Senators have taken particular pains to confine themselves to the merits of it and not to the point of order, because they saw, in my opinion, that it was untenable. It is a mistake to say the farmers do not want this. The Senator from South Carolina explained a while ago that there is a great demand for it from his country.

Then there are some other things that might be done. Inasmuch as the Senator from Massachusetts has got his hand in he might help to ratify some of these reciprocity treaties. There are 13 or 14 of them. One of them has been on the Calendar ever since last May. It is a measure which, in my opinion, will do more for American trade with France than all the treaties we have ever negotiated with it. The reciprocity treaties were mentioned in the Republican platform. This provision is in the Dingley Act and it was in the McKinley Act, and yet we find it dying; and not only that one, but 13 others that have been negotiated by order of the President, under the authority of the Dingley Act, by a most accomplished diplomatist, Mr. Kasson, also a Republican. I have never seen in the Committee on Foreign Relations a solitary Democratic member of either House protesting against this reciprocity, but the room is full of Republicans who do not want it. I have stood there in the attitude of the only man supporting the Republican platform, the Dingley Act, the McKinley Act, the Administration, and its negotiator, Mr. Kasson. One way to extend the commerce of this country is to give it the open door to other countries, and the concessions made would have been of such tremendous importance to this country that the subsidy bill would sink into insignificance.

The Senator went out of his way to say that we ought to pass the oleomargarine bill. Why? Because it is unconstitutional? Because it is class legislation? Because it tries to tax out of existence a wholesome, lawful, nutritious product which millions of people can consume who can not buy butter, or what is the reason? There is no particular economy in it. It does not save the

Government a cent. On the contrary, it affects to be and pretends to be a measure to raise revenue, not to reduce it. Of course the pretext is a fraudulent one. It is just as false as any oleomargarine that ever was colored or any butter that was ever colored.

Now, when it comes to economy, I have shown the subjects upon which it can be practiced. But if the Republican party want to do it, if they wish to follow the lead of the Senator from Massachusetts and the Senator from Maine, as distinguished as they are, instead of the veteran Senator from Vermont, and to cut down right here where the farmers are concerned, let them do it and take the consequences. I shall stand here, however, in the interest of the farmers. I shall stand defending and championing the integrity and the intelligence and the economy of the distinguished Secretary of Agriculture, who knows what he is doing, and I do not believe ever misappropriated a solitary dollar. He has been gradually extending his work, and this is a part of the extension. We are not going to stop at this. The next year's bill will be still more, just as the gentlemen anticipate. You can rest assured that now is the time to kill the snake. You need not scotch it, because as the Department grows in importance and in usefulness and as it grows in the affection of the people of the United States there will be continually more demand for this sort of experimental work which has begun now. It is not going to stop. Sneers and objections will not stop it. The people are determined to have these very things. I feel quite safe in following the lead of the Senator from Vermont on this question, and I feel very safe in following the recommendations made by the distinguished Secretary of Agriculture.

I will have to stop speaking, Mr. President, because I can not speak any longer.

Mr. HALE. Mr. President, I listened to the remarks of the Senator from New Hampshire, who presented a new consideration on the question of order, and he called attention to a fact which I had not observed, as I had not examined the bill carefully, which was that in this case, instead of introducing an absolute amendment, a new amendment, as it appears to be on pages 32 and 33, in italics, the committee has simply struck out the House provision, instead of amending it, as is customarily done, so that the amendment would appear with the House provision, and in another place had inserted a substitute for that. I find on turning to page 30 that from line 8 forward to line 16 on the next page the bill of the House provided, not in terms, but generally, for this same subject-matter, and that the committee in charge of the bill has simply amplified and extended those provisions. I think they have made a mistake. I think that they are embarking, as I said, in a new field, and a very wide field, and I shall not vote for their provision; but I do not think—and I am bound to say so—that under those conditions their amendment is subject to a point of order. It is simply amplifying and extending a House provision, and of course we can make no point of order on whatever the House does. I am still very firm in my opinion that we are embarking in very dangerous legislation, but I do not think it is subject to the point of order. In fact, had I known just what the situation was, I should not have raised the point of order.

Mr. SPOONER. Does the Senator withdraw the point of order?

Mr. HALE. Yes. I can not withdraw it if anybody else insists upon it; but I do not think it applies.

Mr. TELLER. I think it will lie, and I think the Senator has omitted to discover that this is an independent proposition. It is entirely distinct from the House provision, which was in last year. It is an innovation, and every word that I propose to strike out is new. Every word goes to create a new order. Take the first line:

Investigation of the relation of soils to climate and organic life.

That is the gist of the whole thing. Now, then, it goes on:

For the investigation of the texture and composition of soils in the field and laboratory; for the investigation of the cause and prevention of the rise of alkali in the soils of the irrigated districts.

Mr. HALE. That is in the House provision?

Mr. TELLER. That is in the House provision. Then it proceeds:

The investigation of the relation of soils to drainage and seepage waters and of methods for the prevention of the accumulation of and injury from seepage waters in irrigated districts.

If you will skip what I propose to strike out and go down and take the amendment that was adopted after the word "Territory," in line 15, then you have the House proposition of last year. But you have inserted inside of this an entirely distinct proposition, which is not for the investigation of soils, but for the mapping of the country. It is an entirely different thing—just as different as it can be.

Now, Mr. President, while I am talking on this subject I wish to say that all this anxiety for farmers and all this talk about there being economy used against the farmer upon this bill is simply absurd. The great interests of the farmer are protected in this bill without this provision. This is absolutely of no benefit to the farmer, and if it is carried out as proposed it will take away from what ought to be appropriations for the farmer a large

amount of money that otherwise we might hope to get for him. They are doing a work that is of no value, and the farmer knows nothing about it. It is not proposed to prevent the Department from investigating soils. That they have been doing, and that they have a right to do under this law, and they will do it if the amendment of the Senate committee is stricken out. But it will not allow them to introduce an entirely new system of surveying and mapping the United States.

Mr. HALE. What are the amendments the Senator has proposed? I had certain amendments to offer.

Mr. TELLER. I propose to strike out, in line 6, the words "to map the soils of the United States," down to and including the word "Territory," in line 15, which, as I said, then leaves that section as the House presented it. It does not touch anything that the House put in and it leaves the section perfect. This dis-joints the whole provision by putting in another requirement between the investigation of the soil and the investigation of tobacco land.

Mr. HALE. Has the Senator moved to strike out in lines 15 and 16 the words "to investigate the soils and conditions of growth in Cuba, Sumatra, and other competing countries?"

Mr. TELLER. I have not done so, because that is in the bill as passed by the House.

Mr. HALE. If the Senator does not move to strike out that clause, I propose to strike it out, not upon a point of order, but on motion, because I do not want it in.

Mr. TELLER. I undertook to strike out only what the Senate committee has inflicted upon us that was not in the House bill.

Mr. TILLMAN. Mr. President—

Mr. TELLER. I wish the Senator would let me finish.

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. TILLMAN. I hope the Senator will not think I am intruding with any desire at all to interrupt him, but I wish to call his attention to an error into which he has dropped, where he says the House provision—

Mr. TELLER. Well, I will listen, if I am in error.

Mr. TILLMAN. He says that the House provision does not embrace authority to map the soils of the United States.

Mr. TELLER. If it does I have overlooked it.

Mr. TILLMAN. If the Senator will look on line 16, page 30, he will see the words "to map the tobacco soils of the United States."

Mr. TELLER. That is quite different.

Mr. TILLMAN. Very well; then let us restore the word "tobacco" and leave it as it was in the House provision down to the word "Provided," and then strike out from "Provided" down to "investigate," on line 15. I am certain that the mapping of the tobacco soils of the United States, which was authorized by the House, is a very valuable work, and it could be prosecuted with great benefit to the people of this country.

Mr. TELLER. If the Senator had followed it, we have already made an amendment to line 15 which includes tobacco soils exactly as the provision is, I understand, in the House bill.

Mr. TILLMAN. Line 15 on what page?

Mr. TELLER. On page 33. I have no objection to the mapping of tobacco soils. That is a matter of small consequence compared with the mapping of the arable land of the United States.

Mr. PROCTOR. That has been inserted.

Mr. TELLER. It has been inserted.

Mr. HALE. Where has that been inserted?

Mr. TILLMAN. Where has it been inserted?

Mr. TELLER. After the word "Territory," in line 15.

Mr. HALE. On page 33?

Mr. TELLER. On page 33.

Mr. HALE. Let us see: "That not less than one field's season work"

Mr. TILLMAN. What have you inserted—to investigate and map the soils?

Mr. TELLER. Let the Secretary read what was inserted.

The SECRETARY. The Senate has agreed to the following amendment:

Page 33, line 15, after the word "Territory" and the semicolon, insert:

To map the tobacco soils of the United States.

Mr. TELLER. That is in the bill, and it was put in yesterday on the motion of some Senator on the other side, I think.

Mr. TILLMAN. Then, were the words "to map the soils of the United States," in line 6, stricken out?

Mr. TELLER. No; my motion is to strike out that clause.

Mr. HALE. That clause should be stricken out, of course, because there is no sense in limiting it to tobacco soils when you have a provision that covers all soils. Of course the words "to map the soils of the United States" should be stricken out.

Mr. SPOONER. The reason why it was left in that way is because the mapping of tobacco soils has already begun to some extent, I understand.

Mr. TELLER. Yes.

Mr. SPOONER. And it seemed to be the general opinion that that work ought to be finished.

Mr. HALE. That would be included clearly in the phrase "to map the soils of the United States."

Mr. SPOONER. But that would leave it entirely in the discretion of the Secretary to abandon the work already begun.

Mr. PETTUS. Mr. President, we can not hear this conversation.

Mr. HALE. Does the committee propose to agree to strike out the words "to map the soils of the United States," so that this mapping shall be confined to tobacco soils?

Mr. PROCTOR. No.

Mr. HALE. The committee does not agree to that.

Mr. TELLER. That is what I said. The committee will not agree to that.

Mr. SPOONER. But it was agreed yesterday that the provision continuing the work of mapping tobacco soils should not be eliminated.

Mr. HALE. Not as a limitation.

Mr. TELLER. No; not as a limitation. It is a specific direction. That is all there is about it.

I was saying, when interrupted by the Senator from South Carolina, that if this new scheme of a general map is stricken out it will be left practically as it was last session. It will leave it where the House left it exactly, and we shall not have this new system of mapping and surveying the United States, provided we should turn over on the next page and strike out something there. But if we left that in it would probably apply to tobacco land and a survey of it.

Senators say, like the Senator from Mississippi [Mr. MONEY] a few moments ago, that they are willing to trust the Secretary of Agriculture. Mr. President, this is a direction to the Secretary of Agriculture to go to work and map all the arable land in the United States—not tobacco land, not wheat land, not land adapted to some peculiar plant, but the whole arable region of the United States. It either will break down the whole agricultural system or it will be worthless. If we fail, of course, to make appropriations for it next year it may be that it will stop; but if we make an appropriation now for beneficial purposes, all of it may be diverted, if the administration sees fit, for the purpose of making these maps. If this is to be valuable at all, if there is to be any benefit in mapping the soil, then there should be a million dollars in this bill instead of ninety thousand dollars.

Mr. HANSBROUGH. Mr. President—

Mr. TELLER. For a million dollars would not be of any benefit in time for the present generation to do very much. A million dollars a year would not do very much. I will hear what the Senator from North Dakota wishes to say.

Mr. HANSBROUGH. I desire to ask the Senator, with his permission, if he does not think there is a wide distinction between mapping the country for this purpose and mapping it for topographical purposes? The two maps will not resemble each other in the least. This work will be done very easily, and it will not cost a great deal of money.

Mr. TELLER. I know something about the mapping. If you do anything here that is to be of any value, you have got to have every section of the country, every township and every section in the township, included in your map; and you have got to determine what that land is. Of course you can take the results of surveys, where they have been made, but you have got to make a map. It is not a map, as was suggested by some one here, where the Secretary would take a whole State and say, "That will raise wheat," or "that will raise corn," or something else. Some of the States raise wheat in better quantities in one county than in another, and the whole thing is to be done up in that way. Here is a county in which they say better beets are raised than they will raise somewhere else. It requires an amount of labor that will be absolutely impossible under this appropriation or any other that you will be likely to get.

Now, Mr. President, I spoke of the beet industry yesterday. I wanted a little more appropriation for the investigation of the diseases of beets. I was told by the Secretary that could not be done; that we have so much in the bill we must not do that. That is a question of a great deal of importance. If we can raise beets in this country, as we think we can, to the extent that I believe is possible, that is a very great industry for us. I am not going at this time, though, to discuss the beet question. I only rose to say that my motion to strike out is to strike out an entirely new proposition, a new feature of the bill, which if it is not legislation it is not possible to have any legislation.

Mr. PROCTOR. Mr. President, there is a very mistaken idea about what this mapping is, and I think the vivid imagination of the Senator from Maine conjures up a danger of which there need be no apprehension. It is not in any proper sense a survey and a mapping as we understand those terms. It is an examination of a single specimen of soil in some valley, a careful analysis and examination of it, then a comparison with samples in the same sec-

tion, and then the coloring of the map which we already have, covering the sections which seem to be practically identical in character. The work that has already been done shows this. For instance, in California 630 square miles around Fresno have been surveyed and mapped, and 200 square miles around Santa Ana. In Utah 250 square miles were surveyed and mapped in Salt Lake County, and 200 square miles around Ogden. In Connecticut 450 square miles, embracing the tobacco district of the Connecticut Valley, have been surveyed and mapped; and in North Carolina a strip of land about 100 miles long and 10 miles broad, 1,000 square miles, passing through the wheat lands, the cotton soil, and the bright tobacco area and the swamp area of the coast.

In Maryland the soils of Cecil, Kent, Calvert, and St. Mary counties have been surveyed and mapped. Work of this kind has also been done in Kentucky. In Pennsylvania an area of 235 square miles in Lancaster County; in Ohio, Montgomery County, the Miami Valley. In Louisiana a thousand square miles have been surveyed and mapped with the cooperation of the experiment station of that kind, and in Arizona 250 square miles. There are other examples, but that is sufficient to show what it is.

Mr. HALE. Then, instead of having this phrase, which is very embracing and very searching, "to map the soils of the United States," will the Senator consent—if not, I shall move the amendment—to make it read "to investigate the soils of the United States and for sketches illustrating said investigation." I would have no objection to that language.

Mr. SPOONER. What would that mean? Pamphlets?

Mr. HALE. There will be pamphlets, of course; there is no doubt about that; but they can sketch their illustrations instead of calling it mapping, which, as I said, is very far searching. It may allow them to do not only what the Senator from Vermont says they are doing now, but they may go on beyond that and make accurate maps. I can not conceive that they can make a map of the soils of the United States on any such light investigation as the Senator has indicated they are doing. They do not make a map; it is no use; it is not in the line; but if they want to make some investigation and then give us sketches illustrating those investigations and can go over superficially hundreds of miles in a few days, I have no great objection to that. The thing that is at the bottom of my objection here is not that I am unwilling to give a small sum for this purpose, but that I am profoundly impressed with the danger of starting on this wide enterprise.

Mr. SPOONER. How would it do to say, "Indicate on maps, by color or otherwise, the results of such investigation?"

Mr. HALE. That would cover it.

Mr. PROCTOR. That is satisfactory.

Mr. HALE. That would cover it. Let it read: "For investigation of the soils of the United States, and to indicate upon maps"

Mr. SPOONER. "By color or otherwise, the results of such investigation."

Mr. HALE. "Indicate upon maps the result of such investigation."

Mr. SPOONER. "By color or otherwise."

Mr. HALE. "By color or otherwise."

Mr. TELLER. Let us have a ruling on the question of order.

Mr. HALE. Very well.

Mr. McCUMBER. Mr. President, I confess that I can not share in the apprehension of the Senator from Colorado, who seems to be laboring under the idea that in order to make an appropriate map under this provision it will be necessary to go with a spade upon every section of land in the United States and have the soil analyzed.

It seems to me that the most important feature to be determined by the Secretary under the provision is climatic conditions. We well know that there is a great stretch of arid country unfit for any purpose, no matter what the soil may be. We also well know that the greater portion of it would be adapted to a great many purposes were we able to furnish the requisite amount of water. It appears to me that we already have knowledge, and that knowledge is especially within the hand of the Secretary of Agriculture, as to the climatic conditions, and in a great many respects as to the soil conditions of the whole country. With the knowledge he has at the present time quite an accurate map, it seems to me, might be made, with full instructions, so that we could understand it very readily.

Mr. President, there is another matter that I wish to speak of briefly, and that is the question of extravagance. After listening to the very earnest speech of the Senator from Massachusetts [Mr. LODGE], I am convinced that no extravagant appropriation has been included in the river and harbor bill for any harbor or river in the State of Massachusetts. In my own State our harbors are few, and this is to be taken in connection with the fact that no appropriation whatever is made for the State in the river and harbor bill for this year, and we can not be accused of desiring to vote for anything extravagant in supporting this amendment.

The question of extravagance seems to me almost always to be

a question of comparisons. When I see that the Senator from Maine introduced a bill here for a lobster hatchery, with an expense of \$10,000, and when I compare the lobster industry in the United States with the corn industry, with the wheat industry, with the hog industry, with the cattle industry, with the cotton industry, it seems to me that a \$10,000 appropriation for a lobster hatchery is away out of proportion, when you consider that we have here an appropriation of only \$91,000 for all the agricultural interests in the United States.

The same thing might be said of the fisheries. I believe that where we expend \$1 for the real agricultural interest in the United States, comparatively, we spend \$1,000 for the fish industry. So, Mr. President, it does not appear to me to be in any way extravagant if we vote \$91,000 for the direct benefit of all the agricultural interests in the United States, and I can not see why it should be considered in any light as extravagant. We desire to know the character of the soil, and especially the climatic conditions in any section of the United States, so that any person may know, without going through an expensive experiment, just what character of crops we may raise in that particular section.

I wish to say a word, also, in answer to the statement made by the Senator from Georgia [Mr. BACON], in which he indicated at least that my remarks a short time ago were to the effect that the agricultural interests could receive no benefit from tariff legislation. The Senator certainly was mistaken if he so understood me. I meant simply that they could receive no direct benefit, but certainly I would not for a single moment admit that anything which gives general prosperity to all of the country will not incidentally benefit all the agricultural class. What I mean to express is that if we raise double the number of bushels of wheat in the United States that can be consumed here we can give but very little protection to it, because we must export at least one-half of the grain raised; and therefore the greatest protection we can accord to the agricultural industries is such legislation as will enable them to raise a greater quantity of their products or to raise products of a character, by reason of an investigation, which it was supposed before could not be raised. It seems to me that we are entitled, as a matter of right, to this very moderate sum for that particular purpose.

Now, the Senator from Colorado [Mr. TELLER] says the bill does not propose to prevent the Secretary of Agriculture from making the investigation anyway. But he can not make the investigation unless funds are provided for it. The number of dollars provided for this purpose, when compared with the importance of the agricultural interest with other interests, seems to me to be so slight that every Senator ought to vote for the provision with a feeling that there is no extravagance whatever in appropriating this sum.

Mr. RAWLINS. Mr. President, I am certain that I would not object to any provision in this or any other bill which I thought would be of general practical usefulness to the farmers of the country; but it seems to me that there are provisions in the bill which can result in no real benefit to its intended beneficiaries. For instance, I call attention here to one provision with which I happen to be somewhat familiar. Among the purposes to which this money is to be applied is the following:

For the investigation of the cause and prevention of the rise of alkali in the soils of the irrigated districts.

That has direct application to the region of country from which I come. I do not think there is a farmer anywhere in that country who does not understand the cause of the rise of alkali and the means of its prevention. But suppose that were not true, the Geological Bureau, out of the appropriations which Congress has from time to time made to the Interior Department, has entered upon elaborate investigations of this subject, and we here have great volumes already published at the expense of the Government, embracing reports from India and from almost every country where irrigation is carried on throughout the world, giving elaborately and in detail all the information which is now again to be ascertained through the process of this bill under the Department of Agriculture.

I can not understand why we should duplicate these provisions. That investigation has already been made. All that is necessary to dispense this information, if it is not already possessed by the farmers, is to make publication of the results of the investigations that have already taken place. And yet I suppose, notwithstanding the Geological Bureau has made these investigations and is still engaged in that same line, we are now to set up another and a separate bureau and duplicate the work which it has performed.

I do not think that would result in any benefit to the farmers in my section. While I should be glad to vote for anything that would be of public and general advantage to them, I can not conceive of any benefit that can come to the people who irrigate lands in the West from any investigation that may be carried on by virtue of the authority contained in this bill.

Mr. President, lands which contain mineral drain from the sur-

face. Mineral is in solution in the subterranean waters. Every farmer knows that when the waters fill up until they come to the surface, the mineral upon evaporation will be deposited upon the surface, and the lands will become unfit for cultivation. There is not a farmer in the United States who is familiar with this class of land who does not know that if you dig trenches and pour in the water on the surface the mineral will drain out and the lands will be reclaimed. Yet we will spend hundreds of thousands of dollars in the end, in my judgment, if we enact this provision, to send men who have no practical experience in this business into the arid regions to conduct these investigations there, and here at Washington we will publish elaborate reports of those things which every man in that country knows already. It is simply a matter of common sense.

They know what causes the mineral to rise and they know what will prevent it from rising, and they know what will reclaim the land. The Senator from Colorado well understands that.

Mr. President, this is a mere pretext. Many of these provisions, in my opinion, are not to benefit the farmer, but to furnish jobs to men who are seeking Government employment. I would be glad to vote for anything that would really result in benefit to the farmers of my section; but I have had no appeal from farmers in my section for any such investigation as the one proposed here. It is true I have received a letter from a prominent officer in my State. He was induced to write me the letter. How? By the importunity of farmers? No; he had received a letter from a man employed in a bureau here at Washington to call upon the Representatives of my State to use our influence in procuring an additional appropriation for purposes of this kind. I am not going to lend myself to propositions of that character. That provision, I think, any man who is familiar with alkali lands or any other kind of land would know can not result in any benefit.

As to mapping, it is said here that it is a general work. A map has been made of about 200 square miles in the vicinity of Salt Lake. But they do not propose to stop with that map; they propose to investigate.

Mr. TILLMAN. Will the Senator yield to me for a suggestion?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from South Carolina?

Mr. RAWLINS. Yes, sir.

Mr. TILLMAN. Is the Senator willing that we should insert a provision here that none of this appropriation shall be spent in Utah? I am perfectly willing to vote for such a provision, as the Senator does not seem to want the appropriation for his State, and I think the chairman of the committee will accept such an amendment. The Senator says it is a useless waste of money. There are other sections of the country where we think these maps, if the appropriation is made, will be of great benefit.

Mr. RAWLINS. I am speaking as to the general subject. I am not speaking against South Carolina, and I am not speaking against Utah. I have not been here very long, but—

Mr. TILLMAN. If the Senator will pardon me, I think he has proved his case in regard to alkali lands; and I think we ought to strike out everything in regard to the mapping of alkali soils.

Mr. RAWLINS. I have no objection to that, but we are dealing with a question of vital importance. This is not a mere local question. I have said, and I repeat it, that I will vote for any proposition that I believe will be of worth and of practical and general usefulness to the farmers or to any other interest in this country.

But I wanted to invite attention to this question of mapping. They have mapped 200 square miles in my State, but that is but the beginning of the work; that map is of no utility unless they take other steps. After they make a general map, then they proceed with this work as to the investigation of soils, to ascertain the ingredients of the soils in every particular portion of the lands thus covered by that map. They propose then, if the lands are not fit for agriculture by reason of being impregnated with minerals, to make a survey so as to ascertain how the minerals may be drained from the land by digging channels. I suppose they will proceed next to make a survey for the benefit of the landowners as to the line of direction in which these channels should be dug. After they have proceeded thus far in the way of paternalism, in taking care of the farmers, I do not see any reason why we should not make an appropriation for digging the channels and furnishing the pipe by which to carry off the water. It seems to me that this is the initiatory step in what may result in a tremendous undertaking and in very extensive appropriations.

Mr. President, I am opposed to the appropriation for a ship subsidy; I am opposed to making appropriations for the improvement of any creek that can not be rendered fit for navigation. I will vote with the Senator from South Carolina in the direction of economy; and I will vote with the Senator from Maine in the direction of any expenditure which will be for the public benefit and within the range of the objects for which the taxes of the country may be employed; but whether this thing happens to fall

either in my State or in any other State, if I do not deem it a matter to which the taxes wrung from the people should be applied I shall vote against it.

I shall vote for the proposition submitted by the Senator from Colorado, and also, if the Senator from Maine will make a proposition to restrict the application of these moneys to legitimate purposes, I shall vote in favor of his proposition.

Mr. HALE. Mr. President, I am not sensitive as to the lobster argument which has been introduced into this debate. The Senators who have relieved the ordinary tedium of their remarks by making game of my little lobster bill are entirely welcome to all the fun they can have out of it. It is not little appropriations, which are distinct in their nature and limited to a few thousand dollars, that are dangerous. They come and they go, and that is the end of them, like the little lobster bill which was passed, and things of that kind. I am very glad I succeeded in getting it passed, and I am not sensitive about it in the least.

I have, I think, an amendment here which will help this mapping business very much. If, instead of the language commencing in line 6, on page 33, which certainly is very comprehensive and unmeasured, "to map the tobacco soils of the United States," we put in "For investigations of the soils of the United States by indicating upon maps or plats, by coloring or otherwise, the results of such investigations," we would know something about what the Department is doing in this direction and we would not commit ourselves to the enterprise of making new maps; but we take such maps as we have of communities and indicate upon them, by coloring or by any other process, what the Department has done, and from time to time we can control that work.

I shall also move to strike out, in lines 15 and 16, on page 30, the words:

To investigate the soils and conditions of growth in Cuba, Sumatra, and other competing countries.

We certainly are not called upon to extend our researches there at present, and if the Department is busy in a limited way in the United States it can await future developments in regard to the rest of the world. I think by the adoption of the amendments I have suggested we shall get this provision into pretty good shape, so that it will not be open to the objections which some of us have raised, that it is a measure in the line of great extravagance which will come back in the future to trouble us.

Mr. TILLMAN. Mr. President, I would direct the attention of the Senator to page 30, line 16, in the House bill, which has been stricken out, or rather, which has been copied into the Senate amendment with some omissions. There the words are:

To map the tobacco soils of the United States: to investigate the soils and conditions of growth in Cuba, Sumatra, and other competing countries.

That applies to the tobacco industry only, and as copied in drawing up the Senate amendment, leaving out the word "tobacco," which has been reinserted, the amendment as now amended would apply to the original purpose of investigating the soils and conditions of growth in Cuba, Sumatra, and other competing countries.

If the Senator will give me his attention, I wish to remind him that tobacco is a product of Cuba and Sumatra, with which the Southern tobacco growers are trying to compete. I happen to know from observation that the Cuban tobacco has leaves possibly not more than one-third the size of the South Carolina tobacco. Anything which will enable the tobacco growers of our State and other States engaged in that industry to grow tobacco which will run the Cuban and Sumatra tobacco out of our market is a perfectly legitimate matter for investigation by the Agricultural Department. I do not think the Senator, if he will consider for a moment, will object to leaving those words in and allowing the Agricultural Department to continue to assist the tobacco growers of the United States with such special information as can be derived from the investigation of the soils and conditions of the growth of tobacco by those competitors of ours.

The PRESIDING OFFICER. If the Chair is permitted to decide the point of order, then the amendment may be better discussed. The discussion has drifted far away from the real question. The Senator from Maine [Mr. HALE] has made the point of order that this is new legislation, in violation of Rule XVI, inasmuch as it makes an appropriation for a purpose for which there is no existing law.

Mr. TILLMAN. I thought the Senator from Maine had withdrawn the point of order.

The PRESIDING OFFICER. That is true; but the Senator from Colorado [Mr. TELLER] renewed the point of order. The Chair would ordinarily submit such a question to the Senate, as the present occupant of the chair is here only by the courtesy of the permanent presiding officer; but it seems to the Chair so clear that the amendment is but a modification of the existing law that the Chair will hold the point of order is not well taken. The question now before the Senate—

Mr. TELLER rose.

The PRESIDING OFFICER. Unless the Senator from Colorado desires to submit the point of order to the Senate—

Mr. TELLER. No.

The PRESIDING OFFICER. The question, then, before the Senate is the amendment of the Senator from Colorado to the amendment of the committee proposing to strike out certain words, which have been read to the Senate for its information.

Mr. HALE. Let the amendment be again read.

Mr. TELLER. I will, for the time being, in order that the amendments now pending may be disposed of, withdraw that, and may, perhaps, renew it later.

The PRESIDING OFFICER. The Senator who offered the amendment has a right under the rules to withdraw it.

Mr. TELLER. If, however, the clause is amended satisfactorily, I may not renew my amendment.

Mr. HALE. Then I move to insert the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Maine to the amendment of the committee will be stated.

The SECRETARY. On page 33, line 6, after the word "district," it is proposed to strike out the words:

To map the soils of the United States.

And to insert:

For investigations of soils in the United States and for indicating upon maps or plats, by coloring or otherwise, the results of such investigations.

Mr. PROCTOR. On behalf of the Committee on Agriculture and Forestry, I will accept that amendment.

The amendment was agreed to.

Mr. BUTLER. Mr. President—

Mr. HALE. Will the Senator allow me a moment, simply in the line of the amendment which I have offered, to move to amend in one or two other places so as to conform to the amendments already made?

Mr. BUTLER. As to this part of the committee amendment?

Mr. HALE. Yes; as a part of the same amendment.

Mr. BUTLER. I will yield to the Senator for that purpose.

Mr. HALE. In line 9, page 33, I move to strike out the word "mapped" and insert "indicated upon maps or plats, as above provided."

Mr. PROCTOR. The committee is willing to accept that amendment.

The amendment to the amendment was agreed to.

Mr. HALE. I move, also, in line 10—

Mr. TILLMAN. I suggest to the chairman of the committee as to the modification which the Senator from Maine has presented, to which I agree, that he might strike out all of that which the Senator from Colorado proposes, because you will find it very difficult to follow that amendment by changing or modifying the language all the way through without having a very involved and, I might say, contorted sentence.

Mr. PROCTOR. I think there will be no difficulty about it.

Mr. HALE. I think we do not find that language afterwards at all. These words follow: "till the same percentage of soil mapping shall have been accomplished in other States and Territories." As to that, I shall have a suggestion to make.

Mr. MALLORY. I should like to hear the amendment read.

The PRESIDING OFFICER. The amendment will be stated.

Mr. TILLMAN. Let it be read as it will stand if amended.

Mr. HALE. In line 10, on page 33, I move to strike out the words "soil mapping."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 10, on page 33, it is proposed to strike out the words "soil mapping" and insert "indicated upon maps or plats."

Mr. HALE. Oh, no; that amendment goes out. The words "soil mapping" are in line 10. Instead of those two words I move to insert the words "such work." That refers to what we have just provided for.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 33, line 10, after the words "percentage of," it is proposed to amend the amendment of the committee by striking out "soil mapping" and inserting "such work."

Mr. PROCTOR. Now, let the Secretary read the committee amendment in lines 8, 9, and 10 as proposed to be amended.

Mr. HALE. That is right.

The Secretary read as follows:

Provided, That when 50 per cent of the arable soil of any State or Territory in which the work has been done shall have been indicated upon maps or plats as above provided, no further work is to be done in that State or Territory till the same percentage of such work shall have been accomplished in the other States and Territories of the United States.

Mr. PROCTOR. That is right.

The amendment to the amendment was agreed to.

Mr. MALLORY. What is the amendment in line 6?

The PRESIDING OFFICER. The Secretary will state the amendment referred to.

The SECRETARY. In line 6, after the word "districts," strike out the words "to map the soils of the United States" and insert:

For investigations of soils in the United States and for indicating upon maps or plats, by coloring or otherwise, the results of such investigations.

Mr. BUTLER. Mr. President, this amendment offered by the Senator from Maine [Mr. HALE] will probably improve the committee amendment, or it will certainly remove some of the dangerous and evil results that he thought might follow and which I think might follow. But still I want to call attention to the fact that this is to permit the Secretary of Agriculture to investigate a specific soil for a specific kind of plant and to carry out that investigation to its completion, as he will in the case of tobacco. We have now restricted the Secretary of Agriculture to the special investigation as to tobacco.

In his letter, which was read here this morning, he took the position which the Senator from Colorado [Mr. TELLER] took yesterday. That was the position I tried to express—that he ought to have the power to make special investigations; and he went on in that letter to enumerate them, in addition to tobacco, beet sugar and half a dozen other special investigations that he thought would be of great benefit to the farmers and to the country generally. In fact, the letter of the Secretary of Agriculture was not for this general scheme, as it was read at the desk, but was for this specific work.

Now, I call the Senator's attention to the fact that with this amendment as he has amended it the Secretary of Agriculture will get half through the soil of a State and he will have to pick up and go over into another geographical territory, where he will strike, probably, a different kind of soil, adapted to an entirely different kind of growth, and not connected with the investigation he is making. Instead of facilitating the special information and making it complete on one subject, it seems to me this language will hamper him; and, as the Senator from Maine so well said this morning, it seems as if it had been drawn by some specialist or theorist in the Department, and not by the Secretary himself; that this specialist had one idea and the Secretary had probably another. As another Senator said, it also smells more of patronage and place than it does of helping the farmer. It means a great additional horde of employees.

I protest against the kind of discussion we have had from some Senators this morning—I do not mean to be offensive when I say it—in standing up and posing as champions of the farmers of the country and in claiming that any man who was not for this provision as it stands was against the interest of the farmers. I have no objection to the advocacy by Senators of the cause of the farmer. We will all indorse that, but Senators who discuss this provision should not charge that everybody who criticises it is against the interest of the farmer. I submit that that is not a fair way to treat this question; that it was not proper that Senators should take such a position when there was nothing to call for it.

My only objection to this language is that I think it will not accomplish the best results for agriculture. Nobody is opposing the \$91,000 appropriation. I am ready to vote for twice that amount if it be necessary. If the Secretary of Agriculture had asked us to put in specific appropriations here for tobacco or for beets or the other items named in his letter which was read this morning; if he had figured up \$200,000 as the amount necessary for doing it, I take it that it would have been voted by the Senate without five minutes' discussion, and I do not believe a single Senator here would have voted against it. It is purely a question of what will be the effect of this amendment, whether or not it will advance the cause of agriculture.

I think the criticism by some Senators that those who wanted to change the language and to amend it were not willing to give a pittance to the farmer was uncalled for. It was gratuitous; and surely, while it might read well to their constituents down home when seen apart from the context of what others had said, there was no occasion for such criticism here or of any attempt to make such an impression on the people of the country.

I appreciate the work that the Department of Agriculture is doing. I do not suppose there is a Senator in this body who has read more of the pamphlets gotten out by the Agricultural Department on soils, on fertilizers, on milk, and on all of the important questions discussed in the 121 farmers' bulletins that have been issued, or a Senator who has distributed more of those bulletins than I have. I have made it my business, knowing their value, to call the attention of the farmers of my State to the fact of their existence by publishing letters in the newspapers, so as to create a demand for those bulletins and let the people know they were here and that they could get them and read them. I have called attention to the valuable practical information contained in them. I appreciate the work the Department is doing, and I wish every farmer in the United States could read the 121 farmers' bulletins which they now have for free distribution, covering almost every question relating to agriculture, and there is not one of them that it will not pay every farmer in the United States to read.

But, Mr. President, this provision looks to me as if it were simply to get an army of officeholders to go tramping over the country and logrolling from one State to another, so that we will have one-half of this work done in one State and half in another, and another State can have no further investigations until every other State has got its half; and applications will be made as to millions of acres of land that do need to be plotted or investigated.

The only sense I can see in this is making a specific investigation of the soil for a specific purpose, for some specific crop, like tobacco, and the other special objects named by the Secretary. I think language ought to be employed to authorize him to do that. I do not think he ought to be authorized to go to making investigations of every inch of the soil of the United States. They would be perfectly worthless when the work had been done, except for certain specific purposes, and it would be a needless expense.

Mr. President, I call attention to this phase of the subject in the way I look at it. I do not know that the members of the committee and the Senators who have discussed it are satisfied with the amendment offered by the Senator from Maine. I do not know that I will offer any further amendment; but still I think it is a very unnecessary, cumbersome, and troublesome provision when you require the work to be tied down, doing 50 per cent in each State, and then stopping the investigation. If the investigation of soils is to be carried on for a time and then the work stopped and the investigators are to go to another State, there is no sense in it; it is perfectly absurd. Besides, I do not think that these investigations of soils ought to be carried on, except when we are looking for soil of a certain kind for a specific purpose. When we have done that, then we have covered the soil that should be investigated, and the knowledge gained would be of some value after the investigation.

Mr. HALE. Mr. President, there should be an amendment in line 16. The language now there is "to investigate the soils and conditions of growth in Cuba," etc. After the word "of" the word "tobacco" should be inserted, so as to read "to investigate the soils and conditions of tobacco growth in Cuba, Sumatra, and other competing countries."

Mr. PROCTOR. Does the Senator from Maine make that motion?

Mr. HALE. Yes; I move to insert those words. Evidently, as Senators will see if they will read this clause, it all relates to tobacco and the tobacco industry, but as it is now left it provides for investigations into every kind of growth. I wish to limit it to what was undoubtedly the purpose of the clause.

Mr. PROCTOR. That is plainly the purpose of the clause, because the same words were in the bill last year, following the words "to map the tobacco soils," and so I accept the two amendments of the Senator.

Mr. HALE. Then, after the words "to investigate the soils and conditions," in lines 15 and 16 of the committee amendment, on page 33, I move to insert the word "tobacco."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to amend the amendment of the committee, on page 33, line 16, before the word "growth," by inserting the word "tobacco;" so as to read:

To investigate the soils and conditions of tobacco growth in Cuba, Sumatra, and other competing countries.

The PRESIDING OFFICER (Mr. PETTUS in the chair). The question is on the amendment proposed by the Senator from Maine to the amendment of the committee.

Mr. PROCTOR. I accept the amendment.

The amendment to the amendment was agreed to.

Mr. HALE. I am inclined to think that the words "and other competing countries" had better be stricken out, or else that the clause should be made to read "and other tobacco competing countries."

Mr. PROCTOR. There is no objection to an amendment inserting the word "tobacco" after the word "other."

Mr. HALE. Then I move, after the word "other," in line 16, to insert the word "tobacco."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 33, line 16, after the word "other," it is proposed to insert "tobacco;" so as to read:

To investigate the soils and conditions of tobacco growth in Cuba, Sumatra, and other tobacco competing countries.

The amendment to the amendment was agreed to.

Mr. HALE. I do not know what the general amendment of the Senator from Colorado [Mr. TELLER] is, but I think these amendments will help the provision of the committee very considerably.

Mr. TELLER. I should like to suggest that my amendment was to strike out the proviso, commencing in line 6, on page 33:

Provided, That when 50 per cent of the arable soil of any State or Territory in which the work has been done shall have been mapped, no further work is

to be done in that State or Territory till the same percentage of soil mapping shall have been accomplished in the other States and Territories of the United States, etc.

I think all of that ought to go out and let the provision stand with the amendment made on the motion of the Senator from Maine [Mr. HALE].

Mr. HALE. I think the Senator is right about that.

Mr. TELLER. I move to strike out from the word "Provided," in line 6, down to and including the word "Territory," in line 15. That will leave the clause as proposed by the Senator from Maine.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 33, line 6, after the words "United States," it is proposed to strike out—

Mr. PROCTOR. I will say that I will accept that amendment; but I ask to have it withheld until we can see what the effect of the amendments already made in that clause, on the motion of the Senator from Maine, will be, so as to be sure it will be correct.

Mr. TELLER. All right; let it stand for the present.

The PRESIDING OFFICER. Does the Senator withdraw the amendment?

Mr. HALE. He withholds the amendment.

Mr. TILLMAN. I understood the chairman of the committee to accept the amendment of the Senator from Colorado, with the idea of altering it or changing it so as to carry out his view, and leave in what the Senator from Maine has had inserted.

Mr. TELLER. Certainly.

Mr. SPOONER. I want to call the attention of the Senator from Vermont to the fact that if this proviso is stricken out it will not complicate the section at all. It will leave the provisos amended on the motion of the Senator from Maine, so far as any changes were made in them, simply adapted to that amendment.

Mr. BUTLER. The whole proviso ought to go out.

Mr. SPOONER. The whole proviso from line 6 to line 15, including the word "Territory." I think all of that ought to go out.

Mr. PROCTOR. If the Secretary will read, commencing on line 6, down to the end of line 16, as the clause would stand if the amendment of the Senator from Colorado be agreed to, that would be satisfactory, so that we can be sure there is no mistake being made.

The SECRETARY. Beginning on page 33, line 3, the amendment of the committee as it has been amended reads:

The investigation of the relation of soils to drainage and seepage waters, and of methods for the prevention of the accumulation of and injury from seepage waters, in irrigated districts; for investigations of soils in the United States, and for indicating upon maps or plats, by coloring or otherwise, the results of such investigations; to map the tobacco soils of the United States; to investigate the soils and conditions of tobacco growth in Cuba, Sumatra, and other tobacco-competing countries.

Mr. PROCTOR. That is all right. I accept the amendment of the Senator from Colorado.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Colorado [Mr. TELLER] to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. HALE. As we have perfected the provision in regard to mapping, the words which I will read, embraced in lines 7, 8, 9, and 10 of page 34, to wit:

To enable the Secretary of Agriculture to continue and extend the survey and mapping of agricultural lands, and for all necessary expenses connected with the survey—

should be stricken out, for we have provided that instead of being a survey it shall be indicating on the maps and plats.

Mr. PROCTOR. I understand we have stricken out the word "survey." The proper word should be inserted. What is the proper word?

Mr. HALE. Strike out the words "and mapping."

Mr. PROCTOR. That is all right.

Mr. HALE. In line 9, I move to strike out the words "and mapping" and inserting in lieu thereof—what?

Mr. BUTLER. Just put in "investigations."

Mr. HALE. That is it; that will cover it.

The PRESIDING OFFICER. Has the Senator from Maine completed his amendment?

Mr. HALE. In line 9 I move to strike out the words "and mapping" and insert "and investigations;" and after the words "of agricultural lands" I move to insert "as hereinbefore provided."

Mr. BUTLER. Yes.

Mr. PROCTOR. "Investigations and indication."

Mr. HALE. "Investigations" will cover the whole thing.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 34, line 9, strike out the word "mapping" and insert "investigations;" and also in the same line, after the word "lands," insert "as hereinbefore provided."

Mr. HALE. That is right; that will cover it.

Mr. PROCTOR. That is accepted.

The PRESIDING OFFICER. Is there objection to the amendment to the amendment?

Mr. HALE. It is accepted.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Agriculture and Forestry was, on page 34, after line 17, to insert:

Total for Bureau of Soils, \$109,140.

The amendment was agreed to.

The next amendment was, on page 37, line 12, after the word "purposes," to strike out "twenty" and insert "twenty-seven;" in line 13, after the word "thousand," to insert "five hundred," and in the same line, after the word "dollars," to insert "\$1,000 of which shall be immediately available;" so as to make the clause read:

General expenses of biological investigations: For biological investigations, including the geographic distribution and migrations of animals, birds, and plants; for the promotion of economic ornithology and mammalogy; for an investigation of the food habits of North American birds and mammals in relation to agriculture, horticulture, and forestry; for the employment of local and special agents, clerks, assistants, and other labor required in conducting experiments, in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; for freight and express charges; for preparation and publication of reports, and for illustrations, field work, and traveling and other expenses in the practical work of the division, and to enable the Secretary of Agriculture to carry into effect the provisions of an act approved May 25, 1900, entitled "An act to enlarge the powers of the Department of Agriculture, prohibiting the transportation by interstate commerce of game killed in violation of local laws, and for other purposes," \$27,500, \$1,000 of which shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 37, line 16, to increase the total appropriation for Division of Biological Survey from \$32,800 to \$40,300.

The amendment was agreed to.

The reading of the bill was continued to the end of line 22, page 38.

Mr. PROCTOR. The word "fifty-five" is a misprint. As passed by the House it was \$65,000, and I now, on behalf of the committee, move to increase the appropriation \$5,500, making it read "\$170,500," and for this reason: Last year the appropriation for bulletins was increased \$20,000, but there was no addition for their distribution, for the purchase of envelopes and the expense of distribution, so that it is practically a deficiency. The Department is not able to distribute those voted last year without this increase. When the bill was before the committee we understood that it was provided for in the general appropriation, but we found it was a mistake. So I now move the amendment.

Mr. BATE. What is the exact motion of the Senator from Vermont with respect to this clause? We had it up in committee, I remember, and there was some increase necessary, but what amount does the Senator now propose to increase it?

Mr. PROCTOR. In line 22, page 38, the printed words are an error. It should be "sixty-five."

Mr. BATE. The "fifty-five" is an error?

Mr. PROCTOR. The "fifty-five" is an error. It should be "sixty-five." My amendment proposes to increase the appropriation \$5,500, striking out the misprint "fifty-five" and inserting "seventy," which is an addition of \$5,000.

Mr. BATE. To the original amount of \$65,000?

Mr. PROCTOR. To the original amount; and then after "thousand" inserting the words "five hundred."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 38, line 22, strike out "fifty-five" and insert "seventy," and after the word "thousand," in the same line, insert "five hundred;" so as to read "one hundred and seventy thousand five hundred dollars."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 39, line 20, after the word "year," to insert "and the remainder of said sum;" so as to read:

That all such bulletins included in the quotas of Senators, Representatives, or Delegates not called for on or before the 30th day of June in each fiscal year shall revert to the Secretary of Agriculture, and be available to him, either for miscellaneous distribution or in making up Congressional quotas for the next fiscal year, and the remainder of said sum for the pay of artists, draftsmen, and engravers, and of proof readers and indexers when necessary.

The amendment was agreed to.

The next amendment was, on page 40, line 5, after the word "dollars," to insert "of which sum \$5,500 shall be immediately available," and in line 7, after the word "building," to insert "and for such alterations as may be needed;" so as to make the clause read:

General expenses. Division of Publications: * * * \$57,500, of which sum \$5,500 shall be immediately available; for the rent of a building and for such alterations as may be needed, not to exceed \$2,500 per annum, for the storage of publications; in all, \$167,500.

Mr. PROCTOR. The amendment already made requires a change in the total. I move in line 5 to strike out "fifty-seven"

and insert "sixty-three," and in the same line strike out the words "five hundred," which makes an addition in the total of \$5,500, the same as was agreed to.

The PRESIDING OFFICER. The amendment proposed by the Senator from Vermont will be stated.

The SECRETARY. On page 40, line 5, strike out "fifty-seven" and insert "sixty-three," and in the same line, after "thousand," strike out "five hundred," so as to read "sixty-three thousand dollars."

The amendment to the amendment was agreed to.

Mr. PROCTOR. After the words "per annum," in the ninth line, page 40, I move further to amend the amendment by inserting "to be immediately available."

Mr. BATE. I suggest to the Senator from Vermont, the chairman of the committee in charge of the bill, whether the words "to be immediately available" should be inserted after the words "per annum," or after the word "publications," at the end of line 9. Do you want to confine it to the storage of publications? Would it not be better to bring it in after the word "publications?" As it is, it confines it to that point, "storage of publications."

Mr. PROCTOR. I think it can not be misconstrued where it is.

Mr. BATE. I merely suggest that the other place would be better, because as it is now it applies exclusively to the storage of publications. Otherwise it might apply to both.

Mr. PROCTOR. It is intended to apply to that alone.

Mr. BATE. Exclusively?

Mr. PROCTOR. To the rent of a building. They have needed it for more than a year. They can hire a building now, and until the end of the next fiscal year, and repair it; but they need it immediately.

Mr. TILLMAN. They need it for the storage of publications.

The PRESIDING OFFICER. The Senator from South Carolina must not speak from his seat.

Mr. PROCTOR. I think the suggestion of the Senator from Tennessee is perhaps a good one, and in line 9 it should read "not to exceed \$2,500 per annum, for the storage of publications, to be immediately available."

The PRESIDING OFFICER. Does the Senator from Vermont propose the amendment?

Mr. PROCTOR. I do.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed, in line 9, to add at the end of the line, after the word "publications," the words "to be immediately available."

Mr. PROCTOR. The other amendment, of course, is withdrawn.

The PRESIDING OFFICER. Certainly.

The amendment to the amendment was agreed to.

Mr. PROCTOR. The amendment already made requires a change in the total from "sixty-seven thousand" to "seventy-three thousand," and also the striking out of the words "five hundred," in line 10.

The PRESIDING OFFICER. The amendment proposed by the Senator from Vermont to the amendment will be stated.

The SECRETARY. On page 40, line 10, strike out the words "fifty-seven" and insert "seventy-three;" and after the word "thousand" strike out "five hundred;" so as to read:

In all, \$173,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed and continued to the end of line 13 on page 40.

Mr. PROCTOR. In order to make the total agree, I move to strike out, in line 13, the word "two" and insert "eight," and also strike out "five hundred" after the word "thousand."

The PRESIDING OFFICER. The amendment proposed by the Senator from Vermont will be stated.

The SECRETARY. On page 40, line 13, strike out "two" and insert "eight," and in the same line, after the word "thousand," strike out the words "five hundred;" so as to read:

Total for Division of Publications, \$198,020.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of line 24, on page 40.

Mr. CAFFERY. At this point I have an amendment to offer. It is an amendment to strike out all after line 25—

The PRESIDING OFFICER. The Senator from Louisiana will pause a moment. There was a consent agreement that the committee amendments should be first acted upon. That has been departed from, but the Chair considers it still the law of this case, and the amendment proposed would not be in order for the present.

Mr. CAFFERY. I desire to ask the Senator from Vermont whether or not in the administration of the Department any other than the cereal crops and cotton are included in the monthly or

annual reports of the condition and growth during the year? Do reports of the Secretary of Agriculture comprehend such crops as tobacco, sugar, rice, fruits, and so on, or are they limited to cotton and the cereals?

Mr. PROCTOR. I do not understand that they are limited. I know, in fact, that reports are made on crops in general in my country.

Mr. CAFFERY. So far as I am informed, and I have been informed by the chief of this division, as you call it, there are no reports on tobacco, rice, sugar, and fruits, and I will say to the Senator that I have an amendment, prepared by the Statistician of the Agricultural Department, which looks toward striking out all after line 25, on page 40, down to the end of line 2, on page 42, and substituting other provisions instead of those contained on those pages.

Mr. PROCTOR. Perhaps a letter which I have from the Secretary will settle this point. He says:

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., February 11, 1901.

MY DEAR SENATOR: In my estimates for the pending Agricultural appropriation bill I wanted \$25,000 to enable the Statistician to enlarge the scope of his work by including new farm products, such as rice, sugar, fruit, flax, tobacco, etc., on the basis of the new census. The House committee agreed to this, among other things, but points of order required them to go back to the estimates of a year ago. After consultation with the Statistician on this point, I conclude that we will try to get along with \$15,000, \$10,000 of which would be necessary for use in the city of Washington in compiling the increased number of returns, and \$5,000 for getting these returns from the fields. Please have this inserted for me, as we want, by all means, to take advantage of the new facts given in the new census.

Very truly, yours,

JAMES WILSON, Secretary.

Hon. REDFIELD PROCTOR,
Chairman Committee on Agriculture, United States Senate.

The PRESIDING OFFICER. Senators will allow the Chair to suggest that the Senate had better carry out the order heretofore made, and go on with the consideration of the committee amendments.

Mr. CAFFERY. I will ask the Chair whether I can not discuss, while I have risen, any matters pertinent to the bill, whether it refers to an amendment or otherwise?

Mr. PROCTOR. I will say to the Senator from Louisiana that I propose, when we reach the proper point, to move a committee amendment increasing this appropriation \$15,000 for the purposes named in the Secretary's letter.

Mr. CAFFERY. When the point is reached for outside amendments I will attempt to get in the amendment of which I have spoken. I think a bureau is as necessary in this division as it is in any other division.

Mr. BATE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Tennessee?

Mr. CAFFERY. I yield to the Senator from Tennessee.

Mr. BATE. I wish to say a word as to the ruling of the Chair in regard to amendments. I do not think the agreement extends to the point of depriving a Senator of the right to introduce an amendment. The Senator from Louisiana does not propose that the amendment shall be considered now, as I understand it, but he merely wishes to introduce it for action hereafter.

The PRESIDING OFFICER. At any time when they can get the floor, according to the practice of the Senate, Senators may submit amendments.

Mr. BATE. That is what the Senator is after now.

Mr. CAFFERY. While I am on the floor I will call the attention of the Senator from Vermont to the fact that this very important branch of the Department, collating all facts relating to various crops, is not organized under the form of a bureau. There are the Bureau of Soils, the Bureau of Chemistry, the Bureau of Forestry, and various other bureaus, and this very important, perhaps the most important, branch of the work of the Agricultural Department is now under the organization of a division.

It occurs to me that there ought to be a bureau with more extensive clerical service and a larger appropriation than that indicated by the Senator from Vermont in order to carry into execution the work with which it is charged.

The PRESIDING OFFICER. The Senator from Louisiana will please excuse the Chair, but there is now no question before the Senate, and we could get along much better if we would go on with the regular business.

Mr. CAFFERY. I will ask the Chair a parliamentary question. I do not know much about parliamentary proceedings, but the question is, Whether a Senator, when he is on the floor, can not address the Senate upon any subject that he desires and whether he is to be limited in his remarks to the question in hand? I have heard all sorts of foreign matters debated.

The PRESIDING OFFICER. It has been the practice here, and possibly it may be the rule, but it is sometimes marvelously indulged in.

Mr. PROCTOR. Will the Senator from Louisiana yield to me for a moment?

Mr. CAFFERY. Certainly.

Mr. PROCTOR. I have much sympathy with his view about this division and raised that point with the Secretary, and he said that he was in favor of it at an early day, but for some reasons in regard to organization he could not properly formulate and recommend it at this time. I think there is no question but that it will be brought about in another year. I fully agree with the views of the Senator that it is of importance enough to be made a bureau and perhaps more duties may be devolved upon it. But it is a matter which requires time and careful consideration in preparing it.

The PRESIDING OFFICER. The Senator from Louisiana, if he chooses, can proceed under this universal construction.

Mr. CAFFERY. I thought, Mr. President, it might expedite matters to discuss now the bearing of the amendment which I have notified the Senator from Vermont I shall offer, but I rather think it will be more appropriate and perhaps in better taste to defer the discussion until after all the committee amendments shall have been acted upon.

The PRESIDING OFFICER. The Chair is obliged to the Senator from Louisiana.

The reading of the bill was resumed, and continued to page 41, line 25.

Mr. PROCTOR. From the committee I move an amendment in line 22 to strike out "ten" and insert "twenty-five," and in line 23 to strike out "sixty" and insert "seventy." That is in accordance with the recommendation of the Secretary in the letter which I read.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 41, line 22, strike out the word "ten," at the end of the line before "thousand," and insert "twenty-five," and in line 23, same page, strike out the word "sixty" before "thousand" and insert "seventy," so as to read:

That \$15,000 of the amount hereby appropriated, or so much thereof as the Secretary of Agriculture may deem necessary, may be expended in continuing the investigations concerning the feasibility of extending the demands of foreign markets for the agricultural products of the United States, and to secure, as far as may be, a change in the methods of supplying farm products to foreign countries, \$125,000, of which sum not more than \$70,000 shall be expended for salaries in the city of Washington, D. C.

The amendment was agreed to.

The reading of the bill was continued to page 42, line 2.

Mr. PROCTOR. In lines 1 and 2 the total should be changed to correspond with the previous amendment. Before the word "thousand," I move to strike out "forty-six" and insert "sixty-one;" so as to read:

Total for Division of Statistics, \$161,100.

The amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Agriculture and Forestry was, on page 42, line 16, to increase the appropriation for purchase of technical books of reference, technical papers, etc., for Agricultural Department library, from \$5,000 to \$7,000.

The amendment was agreed to.

The next amendment was, on page 42, line 18, to increase the total appropriation for library, Department of Agriculture, from \$14,000 to \$16,000.

The amendment was agreed to.

The next amendment was, on page 47, line 3, to increase the appropriation for nutrition investigations, Department of Agriculture, from \$17,000 to \$20,000.

The amendment was agreed to.

The next amendment was, on page 47, line 16, to increase the appropriation for irrigation investigations, Department of Agriculture, from \$50,000 to \$75,000.

The amendment was agreed to.

The next amendment was, on page 47, line 25, after the word "experiments," to insert "to enable the Secretary of Agriculture to investigate the chemical and physical character of road materials, for the pay of experts, chemists, and laborers, for necessary apparatus and materials," and on page 48, line 8, before the word "thousand," to strike out "twenty" and insert "twenty-seven;" in the same line, after the word "thousand," to insert "five hundred," and in the same line, after the word "dollars," to insert "of which sum \$5,000 shall be immediately available;" so as to make the clause read:

Public road inquiries: To enable the Secretary of Agriculture to make inquiries in regard to the system of road management throughout the United States; to make investigations in regard to the best methods of road making, and the best kind of road-making materials in the several States; the employment of local and special agents, clerks, assistants, and other labor required in conducting experiments in the city of Washington and elsewhere; and in collating, digesting, reporting, and illustrating the results of such experiments; to enable the Secretary of Agriculture to investigate the chemical and physical character of road materials, for the pay of experts, chemists, and laborers, for necessary apparatus and materials; traveling, and other necessary expenses, and for preparing and publishing bulletins and reports on this subject for distribution, and to enable him to assist the agricultural

colleges and experiment stations in disseminating information on this subject, \$27,500, of which sum \$5,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 48, line 22, after the word "dollars," to insert "\$2,000 of which shall be immediately available;" so as to make the clause read:

Tea culture: For all expenses necessary to enable the Secretary of Agriculture to investigate and report on the cost of making tea and the best method of cultivating and preparing the same for market, so as to demonstrate whether it is practicable to introduce its culture in the Southern States as a profitable industry, \$7,000, \$2,000 of which shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 49, after line 12, to insert:

And the Secretary of Agriculture is authorized to expend for labor in the city of Washington during the present fiscal year, out of the sum appropriated for seeds for 1901, a total amount not exceeding \$33,000.

The amendment was agreed to.

The next amendment was, at the top of page 52, to insert:

To enable the Secretary of Agriculture to have prepared, under his direction, plans for a fireproof administrative building, to be erected on the grounds of the Department of Agriculture, in the city of Washington, said plans, and such recommendations thereon as the Secretary of Agriculture may deem necessary, to be transmitted to Congress at its next regular session, \$5,000, to be immediately available.

Mr. CAFFERY. I desire to inquire of the Senator from Vermont what is meant by an "administrative building" in the amendment. I do not exactly understand what that means.

Mr. MONEY. If the Senator will allow me, I offered that amendment, and it was adopted by the Committee on Public Buildings and Grounds and referred to the Committee on Agriculture and Forestry.

The PRESIDING OFFICER. The Senator from Mississippi ought to address the Chair.

Mr. MONEY. I beg the Chair's pardon, Mr. President.

The PRESIDING OFFICER. Does the Senator from Louisiana yield?

Mr. CAFFERY. Certainly.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. MONEY. By permission of the chairman of the committee, I am replying to the inquiry of the Senator from Louisiana. I introduced this amendment, and had it referred to the Committee on Public Buildings and Grounds. It was unanimously reported favorably, and then adopted by the Committee on Agriculture and Forestry.

The design is, as it states here, that the Secretary may be enabled by the next meeting of Congress to present designs, specifications, drawings, etc., for an administrative building. It means a building to contain the whole Department of Agriculture, which now rents a great mass of small buildings. It has a lot of wooden barns scattered over the grounds, all liable to destruction in about a minute by fire, very uncomfortable, absolutely insufferable in hot weather, with no modern conveniences of any kind whatever. It is intended to have a building that will be commensurate with the dignity of the Department of Agriculture and the great interest which it represents, like the other administrative buildings, and be an ornament to the city of Washington. Congress at the next session will consider these plans.

I wish to say for the benefit of the Senator and others interested that the building which is now occupied by the Secretary has already been condemned as unsafe. When you drop a book in the library it shakes the building. So I have been told by the officers in the rooms below, the chief clerk and others. It has no elevator in it, although it is four stories high. All the conveniences which belong to modern buildings are entirely absent or of such character as would be a disgrace to a country schoolhouse. There is nothing there that befits the character or the dignity of a department of any kind. I am quite sure the Senator from Louisiana will agree with me that it is a proper measure.

Mr. CAFFERY. I agree perfectly with the Senator from Mississippi as to the necessity of having a new building for the Agricultural Department. I am thoroughly in favor of this amendment appropriating \$5,000 for a design for a new building.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment of the Committee on Agriculture and Forestry was, on page 52, after line 8, to insert:

That section 2 of the act approved March 3, 1885, chapter 338, Forty-eighth Congress, second session, imposing restrictions and duties upon the Department of Agriculture not imposed upon the other Executive Departments, be, and the same is hereby, repealed.

The PRESIDING OFFICER. Without objection, the amendment will be agreed to.

Mr. CHANDLER. Mr. President—

Mr. PROCTOR. I offer an amendment to follow at the close of what has just been read.

The PRESIDING OFFICER. It is one of the committee amendments?

Mr. PROCTOR. It is a committee amendment.

Mr. CHANDLER. Has the last amendment of the committee been adopted, the last clause in the bill?

The PRESIDING OFFICER. The last amendment was adopted without objection.

Mr. CHANDLER. I rose to speak before I heard the Chair declare that it was agreed to.

The PRESIDING OFFICER. Then that ruling will be revoked and the Chair will hear the Senator.

Mr. PROCTOR. I ask the Senator from New Hampshire to wait until he hears the amendment which I have proposed. It has a bearing on the amendment which appears in the bill.

Mr. CHANDLER. Is it an amendment to the last clause?

Mr. PROCTOR. It is, particularly.

Mr. CHANDLER. Then if it is an amendment to the last clause, I will wait.

The PRESIDING OFFICER. The Senator from New Hampshire rose to correct the Chair. The Senator from Vermont has the floor. The amendment of the Senator from Vermont will be stated.

The SECRETARY. Add to the last amendment, on page 52:

And the Secretary of Agriculture is directed, so far as practicable and consistent with economy and efficient administration, to submit in the estimates for that Department for the year 1903 provisions for placing the force of his Department upon the statutory roll.

Mr. CHANDLER. I will inquire again whether the six-line amendment has been adopted or whether we are only considering the amendment of the Senator from Vermont?

The PRESIDING OFFICER. The amendment which appears in the bill, including line 9 to the end, has not been adopted. It was so declared by the Chair, but the Chair revoked the ruling.

Mr. CHANDLER. Then I desire to speak to the new amendment of the Senator from Vermont.

The PRESIDING OFFICER. The Senator from New Hampshire will proceed.

Mr. CHANDLER. The provision which it is proposed to repeal, section 2 of the act of March 3, 1885, provides:

That no part of the money herein or hereafter appropriated for the Department of Agriculture shall be paid to any person, as additional salary or compensation, receiving at the same time other compensation as an officer or employee of the Government.

Mr. President, I am not certain that I am opposed to the repeal of that clause, and yet I call the attention of the chairman of the committee to the fact that we are particular in legislation to provide that persons receiving regular salaries—fixed salaries—from the Government shall not have their compensation increased by the head of the Department, who might see fit to spend appropriations given to the Department for its use by increasing the compensation of these regular salaried employees. Now, that is the provision which it is proposed to repeal. I call the attention of the Senator from Iowa [Mr. ALLISON] to this proposition. What I ask is whether it is intended that the Secretary of Agriculture shall have the discretion to use portions of the appropriations contained in this bill to increase the salary of regular salaried employees of his Department? If so, ought we to legislate in that direction?

Mr. PROCTOR. Mr. President, there were two reasons, perhaps, for the adoption of this provision of the general statute. There was a case—a glaring one—of an officer, not now living, receiving double salaries, and it was passed to hit that particular case. There has been no complaint since then, and I do not believe there is any danger of it. I ask the Senator from Iowa [Mr. ALLISON] to listen to my statement.

The difficulty the Secretary labors under is that he finds it necessary sometimes to get special service from experts and scientists in all parts of the country; just some single special service; and he is oftentimes embarrassed. He has now to go to work to find whether the man is receiving any Government salary; and he is frequently prohibited from getting the temporary and special service by reason of this act.

Mr. CHANDLER. May I ask the Senator a question? The amendment which the Senator proposes recites—

The PRESIDING OFFICER. The Senator from New Hampshire should address the Chair.

Mr. CHANDLER. With the utmost respect, Mr. President, I address the Chair and ask leave to interrupt the Senator from Vermont.

The PRESIDING OFFICER. Does the Senator from Vermont yield?

Mr. PROCTOR. I do.

The PRESIDING OFFICER. The Senator from New Hampshire will proceed.

Mr. CHANDLER. What I intended to ask the Senator is whether he is entirely sure of the correctness of the statement that the restrictions and duties imposed upon the Department of Agriculture by the act of March 3, 1885, are not imposed upon the other Executive Departments of the Government? The amendment recites that proposition. Now, is that certainly correct?

Mr. PROCTOR. I have only the statement of the Secretary of Agriculture. I did not investigate it.

Mr. MONEY. Will the Senator from Vermont permit me to answer the Senator from New Hampshire?

The PRESIDING OFFICER. Does the Senator from Vermont yield?

Mr. PROCTOR. I do.

Mr. MONEY. I think the statute will show that fact, if the Senator from New Hampshire will give me his attention.

Mr. CHANDLER. What is the inquiry of the Senator?

Mr. MONEY. I was just saying that the statute will show it to be the fact that only the Department of Agriculture has this restriction; and I will state that it was on account, as the Senator from Vermont said a while ago, of a gentleman who was drawing salaries from two or three different sources, but only one from that Department. The case was such a glaring one that this restriction was put upon that Department, he being an officer of the Department regularly carried on the statutory roll. He was a very brilliant man; his services were in requisition; he was a great entomologist, and had a national and a world-wide reputation. He got a great many different salaries, and the law was passed to prevent that. The man is dead.

The trouble right now may be, perhaps, summed up in one word. There is a very distinguished man there, who is a retired Army officer, and it would be pretty hard upon him if he had to remain idle upon his retired pay. He has a position there. He fills it with great ability, and the question has been raised whether he is eligible under this restrictive act, which does not apply to any other Department of the Government. I think surely the restriction ought to go out of the statutes without any objection.

Mr. CHANDLER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from New Hampshire?

Mr. PROCTOR. I do.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. CHANDLER. The Senator from Iowa suggests that I ask to have the clause amended by inserting, after the word "That," in line 9, the words "so much of;" and in line 11 changing the word "imposing" to the words "as imposes;" so as to read:

That so much of section 2 of the act approved March 3, 1885, chapter 338, Forty-eighth Congress, second session, as imposes restrictions and duties upon the Department of Agriculture not imposed upon the other Executive Departments be, and the same is hereby, repealed.

That would put all the Departments upon the same footing. I will make that motion.

Mr. PROCTOR. I accept the amendment.

The PRESIDING OFFICER. The Secretary will please report the amendment to the amendment.

The SECRETARY. On page 52, line 9, after the word "That," it is proposed to insert "so much of;" and in line 11, after the word "session," to strike out "imposing" and insert "as imposes;" so as to read:

That so much of section 2 of the act approved March 3, 1885, chapter 338, Forty-eighth Congress, second session, as imposes restrictions and duties upon the Department of Agriculture not imposed upon the other Executive Departments be, and the same is hereby, repealed.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on the amendment reported by the Committee on Agriculture and Forestry, on page 52, beginning in line 9, as it has been amended.

The amendment as amended was agreed to.

Mr. PERKINS. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from California will be stated.

The SECRETARY. On page 8, in line 17, after the word "dollars," it is proposed to insert:

Point Reyes, California, \$3,000.

Mr. PERKINS. Mr. President, I desire to state that Point Reyes is a cape or promontory running out into the sea, 35 miles north of San Francisco. It is connected by telegraph and telephone wires with San Francisco. It is of great value as a point of observation for the Weather Bureau, as the cycles of storms coming down from the north are first observed at that place. A Weather Bureau station has been established there for many years. It has proved of great value, not only to the commercial interests of San Francisco, but to the agricultural and horticultural interests of our State. The weather observer has been occupying by sufferance a part of the building belonging to the Light-House Department, there being upon this point a light-house, a fog-signal station, and the keeper's home; but the Agricultural Department has been notified within the past two days that by reason of increasing the force in the light-house they can no longer accommodate the observer for the Weather Bureau. It is, therefore, most important that this appropriation be made for the purpose of building a house for the Weather Bureau observer to live in. I

trust, with this statement, that the committee will accept the amendment.

Mr. PROCTOR. The committee accept the amendment. The proposition was laid before the committee, and we recognized the necessity of it.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from California.

The amendment was agreed to.

Mr. PROCTOR. The adoption of the amendment makes a change of totals necessary, and I suggest that it be made.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 9, line 15, it is proposed to strike out "\$45,320" and to insert "\$48,320."

The amendment was agreed to.

Mr. DOLLIVER. Mr. President, I offer an amendment, which I send to the desk, to come in on page 13, at the end of line 6.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 13, at the end of line 6, it is proposed to insert:

Provided, That the Secretary of Agriculture may construe the provisions of the act of March 3, 1891, as amended March 2, 1895, for the inspection of live cattle and products thereof, to include dairy products intended for exportation to any foreign country; may apply, under rules and regulations to be prescribed by him, the provisions of the said act for inspection and certification appropriate for ascertaining the purity and quality of such products; and may cause the same to be so marked, stamped, or labeled as to secure their identity and make known in the markets of foreign countries to which they may be sent from the United States their purity, quality, and grade; and all the provisions of said act relating to live stock and products thereof for export shall apply to dairy products so exported and certified.

Mr. TILLMAN. In a long amendment of that character it is very difficult for us to catch just what it means; and I submit that we had better have it read again to see if we can understand it; or possibly we may have to have it printed and defer action on the bill until we can examine it more critically.

The PRESIDING OFFICER. The amendment will be again stated.

The Secretary again read the amendment proposed by Mr. DOLLIVER.

Mr. DOLLIVER. Mr. President, I will say that that amendment interprets the present law with respect to live cattle and meat products so as to include the products of the dairy. It has been three times recommended by the Secretary of Agriculture. It was carefully considered and reported by the House Committee on Agriculture, and was struck out of the bill in the House on a point of order. The Secretary of Agriculture very specially desires that it shall be included in this bill. I send to the desk his letter on that subject, and ask that it be read.

The PRESIDING OFFICER. The letter will be read.

The Secretary read as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., February 14, 1901.

SIR: The proviso attached to the section for the Bureau of Animal Industry in the Department bill as reported to the House of Representatives (p. 13, H. R. 13801), allowing a broader interpretation of the act for inspection of animal products exported, and which was ruled out upon a point of order in the House, seems to have been forgotten in the Senate revision of the bill.

I should like to have this paragraph restored to the bill, as it is much needed to assist in giving permanence and character to our growing foreign trade in dairy products. The subject is fully explained in my last two or three annual reports, which have recommended this legislation.

This proposition has no bearing whatever upon oleomargarine or filled cheese. The export of these commodities is fully provided for by existing law. What is now asked, without any added expense, is simply for the purpose of improving our foreign markets for pure dairy products.

Respectfully,

JAMES WILSON, Secretary.

HON. REDFIELD PROCTOR,
Chairman of Committee on Agriculture and Forestry,
United States Senate.

Mr. MONEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. DOLLIVER. I do.

Mr. MONEY. If I understood the reading of the letter correctly, this amendment does not interfere with the oleomargarine law in any way?

Mr. DOLLIVER. Not at all. This simply aids the Secretary of Agriculture to extend the exportation of dairy products. The exportation of cheap, worthless articles, which have not been inspected, has in a large measure broken down our market for butter and cheese; and the Secretary thinks, and has so reported, that a proper inspection here would open and secure the foreign market to our dairy products.

Mr. BUTLER. I do not think that is the kind of legislation we want to put on here just as we are about to pass this bill. The committee has not passed upon it. There was a letter addressed to the chairman of the committee, but the chairman of the committee did not bring it to the attention of the committee.

Mr. PROCTOR. If the Senator will allow me a moment, it did not come to the attention of the committee until after the bill had been reported to the Senate. I think I am safe in saying if it had

come to our attention earlier, the amendment would have been recommended by the committee. I certainly believe it is a wise and proper provision.

Mr. BUTLER. Mr. President, that letter of the Secretary of Agriculture says that there is already a law regulating the examination and exportation of oleomargarine, filled cheese, etc. We have not time to examine that law, and we have not now time to examine the law that this amendment proposes to construe. It is not a construction; it is adding to; it is enacting; it is legislation. You can not construe language referring to one subject as meaning to refer to another, except by amending it; and that is what this does.

Mr. MONEY. Will the Senator excuse me for a moment?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Mississippi?

Mr. BUTLER. Yes, sir.

Mr. MONEY. I should like to suggest to the Senator from Iowa that it is impossible to understand exactly the scope of this amendment from the mere reading at the desk, and I suggest that the whole amendment be printed and go over until to-morrow, so that Senators may have an opportunity of examining it.

Mr. DOLLIVER. I have indulged the hope that the bill would be disposed of this evening.

Mr. MONEY. I hoped so, too, but nobody understands the statute to which the Senator's amendment refers, and we can not consider the amendment until we have had an opportunity to examine it.

Mr. DOLLIVER. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Iowa?

Mr. BUTLER. I do.

Mr. DOLLIVER. If the Senator will permit me, I will ask the Secretary to read from the report of the Secretary of Agriculture for 1900 his recommendations in reference to this matter, which have been many times repeated.

The Secretary read as follows:

INSPECTION OF DAIRY PRODUCTS.

It is considered extremely desirable that the existing system of Government inspection and certification of meats and meat products for exports be extended, by additional legislation, so as to include butter, cheese, and condensed milk and cream for export from the United States. Reasons for such legislation have been stated in previous reports, and they apply now even more forcefully than when first given. Briefly, a few of the arguments for such new legislation are as follows:

Foreign buyers of dairy products have so often been deceived by misleading and sometimes false statements, claiming that shipments of dairy products are high grade when really they are inferior, or in part inferior, that many of them suspect all products exported from this country, and avoid them whenever it is possible to supply their needs elsewhere. In this way we have recently lost a fine market in Great Britain for our cheese.

The Department has expended much labor and money to establish a reputation abroad for American dairy products, and already the good results accomplished are being counteracted by the shipment of inferior goods which are claimed to be of high quality. After the buyers on the other side have been defrauded a few times by such shipments they will be unwilling to deal with us when it can be avoided.

Other countries have developed large foreign trade in their dairy products, and it is well known that one of the principal reasons for their rapid advance in the largest markets of the world is the fact that their best products are marked with a government stamp, showing conclusively that the article is as represented.

The proposition of inspecting dairy products for export has been indorsed by nearly all of the large conventions of representative dairymen in this country, and it has the decided approval of commercial bodies and individual exporters. So far as I am aware, no objection to it has been made.

Mr. BUTLER. Mr. President, this matter is too important to go into the bill in this way. If the Senator offering the amendment insists on its being acted on this evening, I shall make the point of order against it.

The PRESIDING OFFICER. What is the Senator's point of order?

Mr. BUTLER. That it is new legislation on an appropriation bill.

The PRESIDING OFFICER. The Senator from North Carolina [Mr. BUTLER] makes the point of order that the amendment of the Senator from Iowa [Mr. DOLLIVER] is out of order in that it is new legislation.

Mr. DOLLIVER. Mr. President, I understood my friend from North Carolina to state that if the amendment could be laid over and printed he would not make the point of order.

Mr. BUTLER. If the amendment can be printed and go over until to-morrow, so as to give some time for an investigation of it, I may not make the point of order, but I do not say that I will not do so. But I shall surely feel constrained to insist upon the point of order if we are obliged to consider the amendment now, without any opportunity for investigation. I do not promise the Senator at all that I will not make the point of order in the morning, after I have made the examination.

Mr. WARREN. Mr. President, I scarcely think there is difference enough between the proposed legislation and that which is already on the statute books on this matter to make the amendment subject to the point of order, and I should very much like to see the point of order withdrawn.

I am one of those who do not believe in some of the legislation that has been proposed here in the alleged interest of dairymen. I do not believe in some of the stringent provisions which some Senators think should be included in the so-called oleomargarine bill. I do think that oleomargarine should be subjected to inspection, that it should be duly branded, and that it should be handled upon its merits. I do believe that our dairy products should receive all the fostering care and fatherly care, if you choose to put it in that way, that the Agricultural Department can give to it. Those products should enjoy the same privileges as live stock and meats.

I see nothing of danger in the proposition; I see nothing but what is good in it. I do not think the amendment is subject to the point of order, when it is considered in relation to the legislation we have already enacted. It simply makes plainer, more direct, and less obscure existing legislation on this subject.

Mr. BUTLER. It is true, as the Senator from Iowa [Mr. DOLLIVER] has said, that the amendment is intended to construe existing law, and the Senator worded it in that way, so as to try to get around the point of order. That, however, does not affect the question of the amendment being out of order. It is the same as if it were to amend existing law by adding anything to it, and therefore it is new legislation on this appropriation bill.

Mr. CHILTON. I want to say a word about the point of order. It seems to me that the proposed amendment is clearly general legislation. If the old statute means what the present amendment proposes, the present amendment is clearly not necessary; and if it is necessary to amend the old statute by defining it, or construing it, or whatever term you may use, it is nothing short of general legislation. It is nothing more nor less than an amendment of the existing statute. The fact that you simply describe it in the amendment as construing a law already on the statute book does not at all affect the essence of the amendment. It is an attempt to put on the statute book a certain statute in regard to the exportation of dairy products. That is what it is.

The amendment is manifestly general legislation, and the whole policy of the rule which protects appropriation bills from this sort of tinkering, it seems to me, would be nullified by just such amendments as the one proposed by the Senator from Iowa [Mr. DOLLIVER]. I can amend anything. I might offer any amendment and say that it is to construe a statute already on the statute book, and in that way amend the statute. As I said before, the substance of this proposition is to amend the existing statute in regard to the exportation of products of the United States. The effort is simply to make dairy products subject to that statute, whereas now meat products are subject to it and dairy products are not subject to it.

The PRESIDING OFFICER. The Chair is of the opinion that the point of order is well taken; but being an inexperienced presiding officer, if it is requested, the Chair will submit the question to the Senate.

Mr. DOLLIVER. I make that request, Mr. President.

The PRESIDING OFFICER. The Chair will submit to the Senate the question as to whether the point of order made by the Senator from North Carolina [Mr. BUTLER] shall be sustained. [Putting the question.] By the sound the "ayes" have it.

Mr. PROCTOR. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HANSBROUGH (when his name was called). I am paired with the senior Senator from Virginia [Mr. DANIEL]. I suggest to the Senator from Idaho [Mr. HEITFELD] that we transfer our pairs.

Mr. HEITFELD. That is agreeable to me.

Mr. HANSBROUGH. Under that arrangement I am at liberty to vote, and I vote "nay."

Mr. HARRIS (when his name was called). I am paired with the Senator from Wyoming [Mr. CLARK]. If he were present, I should vote "nay."

Mr. WARREN. I suggest to the Senator from Kansas [Mr. HARRIS] that we transfer our pairs so that the Senator from Washington [Mr. TURNER] will stand paired with the Senator from Wyoming [Mr. CLARK], and the Senator from Kansas and I will be at liberty to vote.

Mr. HARRIS. Very well. I vote "nay."

Mr. MONEY (when his name was called). I am paired with the senior Senator from Oregon [Mr. MCBRIDE].

Mr. PRITCHARD (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. MC LAURIN]; but inasmuch as this is not a party question, I feel at liberty to vote. I vote "nay."

Mr. TILLMAN (when his name was called). I am paired with the Senator from Nebraska [Mr. THURSTON]. In his absence, I withhold my vote.

The roll call was concluded.

Mr. McMILLAN (after having voted in the negative). I am

paired with the Senator from Kentucky [Mr. LINDSAY]. I do not see him in the Chamber, and therefore I withdraw my vote.

Mr. RAWLINS. I am paired with the Senator from Ohio [Mr. HANNA]. I do not see him present. If he were present, I should vote "yea."

The result was announced—yeas 20, nays 36; as follows:

YEAS—20.			
Bate,	Chilton,	Jones, Ark.	Pettus,
Berry,	Clay,	McEnery,	Taliaferro,
Butler,	Culberson,	Mallory,	Teller,
Caffery,	Daniel,	Martin,	Turley,
Carter,	Heitfeld,	Pettigrew,	Vest.
NAYS—36.			
Allison,	Fairbanks,	Lodge,	Proctor,
Bard,	Foraker,	McComas,	Quarles,
Burrows,	Foster,	McCumber,	Scott,
Chandler,	Gallinger,	Mason,	Sewell,
Cullom,	Hansbrough,	Nelson,	Simon,
Deboe,	Harris,	Penrose,	Spooner,
Dillingham,	Hoar,	Perkins,	Stewart,
Dolliver,	Kean,	Platt, Conn.	Warren,
Elkins,	Kyle,	Pritchard,	Wetmore.
NOT VOTING—32.			
Aldrich,	Depew,	Lindsay,	Rawlins,
Allen,	Frye,	McBride,	Shoup,
Bacon,	Hale,	McLaurin,	Sullivan,
Baker,	Hanna,	McMillan,	Thurston,
Beveridge,	Hawley,	Money,	Tillman,
Clapp,	Jones, Nev.	Morgan,	Turner,
Clark,	Kearns,	Platt, N. Y.	Wellington,
Cockrell,	Kenney,	Quay,	Wolcott.

So the amendment of Mr. DOLLIVER was declared to be in order.

Mr. SPOONER. Mr. President, I do not rise to discuss the bill, but I wish to say that as the matter seemed when the point of order was presented, I think the decision of the Chair was entirely correct, and I should have voted to sustain the decision of the Chair. But after the decision my attention was called, as was that of some other Senators, to this clause in the bill:

And the Secretary of Agriculture may use so much of this sum as he deems necessary for promoting the extension and development of foreign markets for dairy and other farm products of the United States, and for the suitable transportation of the same.

It seemed to me that it was competent for the Senate, because of this subject-matter being in the bill, to provide for its inspection as one of the lines for promoting the extension and development of foreign markets for dairy products. I want to say this in justice to the Chair. The Chair's attention was not called by any Senator to this provision in the bill.

Mr. PROCTOR. I was about to refer to the same matter. I wish to state that if this had the remotest relation to oleomargarine I should have opposed its being put in the bill, as I have, as a member of the committee, constantly opposed attaching to this bill any amendment touching that subject in the least.

Now, in regard to the need of this amendment, it is well known that we have suffered and have lost largely our market abroad for dairy products for want of some system of inspection. Canada has largely taken away from us the foreign market for cheese, and we have suffered, too, in our market for butter. The butter of Denmark will pass the world over because it is subject to a rigid inspection, and everybody knows what it is. This is merely to carry out the provision and help our exports for genuine dairy products.

Mr. KYLE. Will the Senator allow me? In other words, it is to protect foreign citizens against imposition. Why should not the same provision be adopted for the citizens of our own country?

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Iowa.

Mr. KYLE. We will bring up that question by and by.

Mr. PETTIGREW. I should like to have the amendment again stated.

The PRESIDING OFFICER. The amendment will be again stated.

The Secretary again stated the amendment.

Mr. STEWART. That is rather a broader proposition than is generally supposed. The examination of dairy products should commence with the dairy farm, as the impurities almost universally come from the farm or the management of the farm. We have in another measure, the District code bill, provision for some more inspectors for the milk and cream which come to this city. There is a general consensus of opinion, I think, among those who have given the subject attention that much of the disease in all countries comes from milk where the dairy farms are not properly conducted. I do not know that it would be a proper thing to enter upon so large a subject on the pending bill; but I simply rose to call attention to the fact that the inspection of dairy products must commence with the farm if it is to do any good.

Mr. TILLMAN. I suggest to the chairman, in order that Senators may have an opportunity to examine the existing law, the two statutes which are mentioned in the amendment, and see just what the bearing of this legislation is upon those statutes and how far-reaching it is, that the amendment ought to be

printed, and that we ought to defer action on it until to-morrow. If he will consent to that, and if it is what he says it is and what the Commissioner says it is, I am certain no one on this side of the Chamber—and this appears to suddenly have become a party measure—will obstruct in the least anything which looks to giving our butter as wide a market as possible and in aiding the dairymen in obtaining such prices as will make it profitable for them to export. But, as we are changing existing law, notwithstanding a majority of the Senate says that we are not, or that the point of order is not well taken, I submit to the chairman that fairness would require that we be allowed time to examine and cooperate, if possible, with the other side of the Chamber in perfecting this bill, as we have been doing, rather than to enter into an interminable snarl as to whether oleomargarine is involved or is not.

Mr. PROCTOR. The Senator from Iowa has charge of this amendment.

Mr. DOLLIVER. Mr. President, if I did not indulge the hope that the pending bill would be disposed of in a few minutes, as all controverted matters have already been disposed of, I would have no objection to the suggestion of the Senator from South Carolina.

Mr. TILLMAN. I can assure the Senator that there are other amendments pending, and discussion is liable to grow up that will prevent the passage of the bill, with the regular order for a recess at half past 5. I hope he will consent to the amendment going over and being printed, so that we may know what we are doing.

Mr. DOLLIVER. The matter is very simple and I think could not be better expressed than it is by the Secretary of Agriculture in his report of 1899, to which I should like to have my friend's attention. He says:

I recommend as a simple and effective remedy for these growing evils and obstacles—

Mr. TILLMAN. What growing evils and obstacles?

Mr. DOLLIVER. He proceeds to recite them.

Mr. TILLMAN. The Senator would have to read the whole thing, and the Senator knows that one can not construe the effect of a change in law without examining the law. You want to examine the existing law and then you want to see what alterations are made and undertake for yourself, calmly and apart, to determine just what the result will be. Now, I submit to him, as a fair-minded man, that he is not going to get the bill through this evening in this way, and he might just as well give us on this side of the Chamber an opportunity to examine it critically for ourselves, so as to determine what it means.

Mr. DOLLIVER. I was about to read what the Secretary of Agriculture says, which would show that instead of being a matter which requires very much investigation, it is a very simple one. He says:

I recommend, as a simple and effective remedy for these growing evils and obstacles in our export trade, that the existing system of Government inspection and certification of meats and meat products for export be extended by law so as to include butter, cheese, and condensed milk and cream. With slight modifications the organized force and regulations which now give protection and standing to our meat exports may be made to cover the new work proposed.

In other words, the amendment proposes simply to extend to dairy products the provisions of the existing law as respects meat exports. It does that without increasing in the least the expenses of the Government, since it employs the same machinery; and I submit there ought not to be objection to it on either side of the Senate.

Mr. CHANDLER. Mr. President, I voted that this amendment was in order, and, as I understand it, I intend to vote for it; but it certainly is quite a change in the existing law in some respects; it is accepted by the chairman of the committee; and if Senators want an opportunity to examine it over night, I think they ought to have it. I ask, therefore, that the further consideration of the amendment may be postponed for the present.

Mr. DOLLIVER. I will consent to that, unless it should turn out that the bill is to be disposed of this evening. In that case I should like to have the amendment come up.

Mr. CHANDLER. There will be other amendments.

Mr. ALLISON. I understand from the Senator from South Carolina that there are other amendments. I suggest that the other amendments, whatever they are, be disposed of to-night, if practicable, and then if everything else is concluded except the amendment of my colleague, the bill can be reported to the Senate, and the amendment can be acted upon to-morrow.

Mr. DOLLIVER. That will be satisfactory.

Mr. ALLISON. In that way we will facilitate the consideration of the bill, and the amendment will take but a brief time to-morrow, because there will be ample opportunity to examine this statute. I have looked into it at the desk and think there is nothing difficult in applying the provisions of the statute of 1895 to dairy products. That course will facilitate the consideration of the bill, and it will require very little time to-morrow, if Senators find it necessary to make the examination during the night.

Mr. TILLMAN. It will be perfectly satisfactory to me, provided we are given time to examine into the matter.

Mr. ALLISON. The bill will be open to amendment, to be offered in the Senate, if we conclude the bill to-night, with the exception of that particular amendment.

The PRESIDENT pro tempore. Is there objection to laying aside the amendment temporarily? The Chair hears none.

Mr. KYLE. I should like to ask the chairman of the committee, the Senator from Vermont, a question. It relates to page 12, the subject under consideration. What provision is made by the bill for the republication of the valuable work known as the Diseases of the Horse, and also the Diseases of Cattle and of Sheep?

Mr. PROCTOR. No provision has been made in the bill. I think those republications have generally been made by resolutions. I hardly think it is necessary to incorporate such a provision in the bill. As far as my recollection goes, there has been no objection whenever it has been proposed, and it has been done by resolution.

Mr. KYLE. A resolution referred to the Committee on Printing?

Mr. PROCTOR. I am not sure as to the course the resolutions have taken, but I know they have gone through very promptly.

Mr. STEWART. Allow me to make a suggestion to the chairman of the committee and others in regard to the examination of dairy products when they are prepared for export. It is a very difficult matter and will be extremely costly. I do not think it can be done at the point of export. Many chemists have told me that they could not ascertain the deleterious matters which had entered into the product by an examination of the product, but that they would show themselves in the early decay of the product. Its keeping qualities were different. Cleanliness and care at the dairy are the only things that can produce a good product which will keep. The examination at the point of export will be almost inconsequential. I have been told by experts in regard to milk that you must have the examination, to be effective, at the dairy, at the farm; see that cleanliness is preserved there, because the deleterious matter will show itself in the completed product some time afterwards in its keeping qualities. It is a very wide subject and a very important one to have a complete examination of dairy products. It would not only be useful for exports, but it would be useful for the home consumption of those products. I have no objection to the making of such examination as can be made, but I want to suggest that a complete examination can not be made at the point of export, as you can with meat or something of that kind.

Mr. CAFFERY. I take it that what the Senator from Nevada says is true. Then the reason why Canadian butter has run American butter out of foreign markets is that the Canadians are more cleanly than the American people, and against that—

Mr. STEWART. I will state to the Senator that in almost all European countries they have a very rigid examination of the dairies, and it has become more and more rigid, and that enables them to produce a better article than those countries where it is not so examined. I do not know how it is in Canada—whether the strict rules of examination of dairy farms prevail there, as they do in all countries of Europe where they produce butter and cheese for export. Great attention has been paid to that subject recently. Canada may have done it.

The people of Canada are no more cleanly than the people of the United States, nor are the people of any country more cleanly than are those of the United States; but people engaged in producing dairy products in the United States and in every country are liable to get careless. Deleterious substances become mixed with the butter, and that deteriorates the whole lot. If they have any advantage over us in the markets, it is because they are more particular in having pure products to start with by inspection. Whether we can have it in this country or not I do not know. I hope we will have something more of it in this city, and get a purer quality of milk than we now have, because doctors and scientists who have given attention to the subject attribute a good deal of disease to the dairy products brought into the city without proper inspection, in order to secure cleanliness and the purity of the products.

Mr. CAFFERY. It occurs to me that the effect of this amendment will be to dump all the bad butter on the domestic consumer and to have all the good butter shipped to the foreign consumer. We have a great quantity of this bad butter, or there would be no use for the amendment of the Senator from Iowa. It seems that our foreign trade in butter has been imperiled by reason of the bad and indifferent butter which has been shipped to the foreign consumer. Now, there is a vast quantity of that shipped, according to the Secretary of Agriculture and according to this amendment, and I should like to know what we are going to do with the bad product. I rather think we ought to commence by protecting ourselves at home first, especially as I believe there is more butter consumed in the United States than we export to foreign countries.

I can not myself see why this amendment is urged upon us. I do not know that Canada has any inspection laws or that Norway has any inspection laws or that any other country that exports butter has inspection laws, but if they have I should like some Senator to inform me on that point. If our people are not honest enough to make good butter to be shipped abroad, they are certainly not honest enough to make good butter for us to keep at home.

The PRESIDENT pro tempore. No amendment is now pending before the Senate.

Mr. MONEY. On page 38, line 6, I move to strike out the words "one clerk" and insert "three clerks," and in the next line to strike out "five" and insert "three." It does not change the number, but transposes the clerks from one class to another class. I will say that the increase will be but \$400 in salaries. In line 8 I move to strike out the words "(one of whom shall be a stenographer)" and to insert after the word "dollars," in line 7, the words "(one of whom may be a stenographer)." I polled the committee, and I find that all but one are favorable to the amendment. I will also state to the Senate that I had a visit to-day from the chief who is interested in this matter. Both of these clerks are ladies. One of them has been for twelve or fifteen years at the head of a division of 27 employees. She is doing work now for which a man would get a salary of eighteen hundred or two thousand dollars. She is an old lady. Her hair is as white as snow. I find that she is exceedingly efficient and faithful, and is most highly commended by the Secretary, the chief clerk, her own chief, and everybody connected with the building.

The other is a lady, said to be of equal merit, who has been a stenographer and typewriter. Both of these ladies merit this little promotion, and it will be gratifying to the Department and promotive of the general interest if the amendment can be adopted. As the committee seemed willing to agree to it, I ask the Senator to adopt the amendment. It is an increase of only \$400.

Mr. GALLINGER. What does it accomplish for this old lady?

Mr. MONEY. It simply transposes the ladies from one class to another; from \$1,000 to \$1,200. It does not increase the number of clerks. It only increases the sum total \$400. It is a promotion which they merit by their labors there.

Mr. GALLINGER. Then why do they not get it in the ordinary course?

Mr. MONEY. Because it has not been adopted by the Senate. I hope to have it done now, and I hope to have the assistance of my distinguished friend the Senator from New Hampshire.

Mr. GALLINGER. I can not resist such an appeal. Nevertheless, I will venture to say that I think we are entering upon a long road if we commence legislating in favor of individual clerks on appropriation bills. This bill is full of general legislation of every conceivable kind, and if now we commence to increase the salaries of individual clerks in the bill, I do not know where it will end.

Mr. MONEY. I will say to the Senator that I will, for his satisfaction, stop right with these two.

Mr. GALLINGER. But some other Senator will know an old lady or a young lady for whom he will desire a promotion.

Mr. MONEY. I wish to say that I have no interest whatever in this old lady. I do not know from what State she comes, or anything about her, except her character as a clerk and her necessities. I know, furthermore, that she deserves this money. She has done work for which a man would be paid \$1,800, and I do not think work ought to have any sex when it comes to payment. I do hope the Senate will grant this promotion.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Mississippi will be stated.

The SECRETARY. In line 6, page 38, it is proposed to strike out the words "one clerk" and insert "three clerks;" after the word "dollars," in line 7, to insert "(one of whom may be a stenographer);" in line 7, to strike out "five" and insert "three" before the word "clerks;" and line 8 to strike out "(one of whom shall be a stenographer);" so as to read:

Three clerks at \$1,200 (one of whom may be a stenographer); three clerks at \$1,000 each.

Mr. PLATT of Connecticut. I suppose in this condition of the Senate the amendment will pass. Therefore I want, before a vote is taken upon it, to call attention to the fact that I shall vote against it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Mississippi.

Mr. TELLER. Let us hear what the amendment is.

The PRESIDENT pro tempore. It will again be stated.

The Secretary again stated the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Mississippi. [Putting the question.] By the sound, the yeas have it.

Mr. MONEY. I ask for the yeas and nays on the question.

Mr. CHANDLER. I ask the Senator to call for a division rather than for the yeas and nays.

Mr. MONEY. I will withdraw the demand for the yeas and nays, and withdraw the amendment, if the chairman of the committee thinks I had better let it go. If it is in order, however, I should like to express my regret that the Senate has taken this stand. I have no interest whatever in these ladies. I do not know where they come from, but I know the character of work they perform.

Mr. DANIEL. Mr. President, the clause of the bill, on page 28, beginning in line 10 and going to the bottom of the page, seems not to have received fully the attention that it deserves, and I desire to make a few comments upon it. By looking on the previous page it will be seen that this part of the bill concerns the Bureau of Chemistry, and that the item of appropriation which is particularly being set forth on this page is with respect to the general expenses of the Bureau of Chemistry. The last precedent line of the appropriation says:

To investigate the adulteration of foods, drugs, and liquors, when deemed by the Secretary of Agriculture advisable.

Then comes the clause to which I refer, which goes on to give authority to the Secretary of Agriculture, whenever he has reason to believe that articles are being imported from some foreign country—

Mr. MALLORY. I rise to a point of order. There is so much noise that I can not hear the Senator from Virginia, though I am near him.

Mr. TELLER. I should like to say that we in this part of the Chamber are not hearing anything of the remarks of the Senator from Virginia.

Mr. DANIEL. The particular phraseology of the bill that I am now referring to is that—

Mr. TELLER. I hope the Senator will begin anew. We over here do not know what he has been talking about.

Mr. DANIEL. I am calling the attention of the Senate to the fact that in that part of the bill which provides for the general expenses of the Bureau of Chemistry, and as an addition to the language of the appropriation for the purpose of investigating the adulteration of foods, drugs, and liquors, is a clause which relates to the importation of articles into this country, which, in effect, is a prohibitory bill, a penal bill, and a thorough extrajudicial determination of the subject. That is to say, it goes on to provide:

And the Secretary of Agriculture, whenever he has reason to believe that articles are being imported from foreign countries which are dangerous to the health of the people of the United States, shall make a request upon the Secretary of the Treasury for samples from original packages of such articles for inspection and analysis; and the Secretary of the Treasury is hereby authorized to open such original packages and deliver specimens to the Secretary of Agriculture for the purpose mentioned, giving notice to the owner or consignee of such articles, who may be present and have the right to introduce testimony; and the Secretary of the Treasury shall refuse delivery to the consignee of any such goods which the Secretary of Agriculture reports to him have been inspected and analyzed and found to be dangerous to health.

Mr. President, if we are going to legislate on this subject the appropriate method of legislating, as it would seem to me, would be to pass a penal statute against the importation of such articles into this country, and to provide due process of law for the determination of the fact as to the nature of the articles when that question is raised.

This is a sidelong method, an artificial method, an unscientific method of ingrafting a penal statute with respect to importations into the country upon an appropriation bill for the benefit of agriculture. The articles which may be imported are not necessarily agricultural articles. They may be any kind of articles which are injurious to health, and there is no method of procedure provided in the prohibition of those articles for the testing of the question and for the disposition of the goods. It is simply provided that the goods shall be held and not delivered, which is, of course, a provision in the nature of a penalty.

In short, Mr. President, it does not seem to me that this is good legislation. It will unquestionably lead to some sort of judicial procedure to get people out of the difficulties that it involves them in. But it is alien to the purposes of this bill. It has no element of appropriation in it. It belongs to the draftsman of laws for the general regulation of importations into the country rather than to the function of an appropriations committee, or to the method adopted by that committee for the handling of this topic. It seems to me that it is subversive of personal right. No trial is provided, and no method of trial is provided.

The provision ends by saying that the goods shall not be delivered. What is to become of them? Are they to be sent back; and if so, at whose expense? If they stay here, who is to pay the expense of storage? If they are to be dumped into the sea or set fire to as things which are hostis humani generis, who is to do it? There is no judge or executioner. The subject is left in the air. It seems to me, Mr. President, this provision ought to be stricken out of the bill, and if it is not too late to do so I make the point of order against it as general legislation.

The PRESIDENT pro tempore. The Senator is late with his point of order. The amendment has been agreed to.

Mr. PROCTOR. Mr. President—

Mr. DANIEL. I move to strike it out.

Mr. PROCTOR. It is precisely the language of the present law.

Mr. DANIEL. Mr. President, we are so careless in ingrafting laws on appropriation bills that I have no doubt precedents for any kind of eccentricity or error can be found without number amongst them. Congress is so crowded with measures that it is very difficult to give that minute and particular attention to phraseology which is essential to good lawmaking, and, therefore, when attention is called to it, the objections ought to be reasonably and fully answered or the matter ought to be thrown out of an appropriation bill with which it has no appropriate concern.

Mr. PROCTOR. Will the Senator yield to me for a moment?

Mr. DANIEL. With pleasure.

Mr. PROCTOR. I wish to call his attention to the fact that this was very fully discussed the other day when the bill was under consideration and an amendment was made in line 9 by inserting after the word "which" the words "by reason of such adulteration," and at the close of the provision, after the word "health," by inserting the words "because of such adulteration."

Mr. DANIEL. I was well aware of that, Mr. President; but that amendment was a mere change of phraseology, to meet some criticism of the word "dangerous." What is adulteration and what is dangerous? If you ask those questions you may answer them until to-morrow without reaching a satisfactory conclusion. They are matters of judicial ascertainment; and certainly the opinion of an executive officer of this Government, certainly the mere fact that one man in the Government considered the property of a citizen to be dangerous or considered it to be adulterated property ought not to preclude that man, without judge, jury, process, or hearing, from the proper methods of self-defense.

I move, Mr. President, to strike out the words of the bill beginning with the word "and," in line 10 on page 28, and going to the bottom of the page.

The PRESIDENT pro tempore. The Senator's amendment is not in order now, but will be in order when the bill is in the Senate.

Mr. TELLER. It was distinctly understood that we were to move any amendments to the bill when we got through with the committee amendments.

The PRESIDENT pro tempore. The Chair was not informed of that understanding.

Mr. TELLER. That was distinctly understood.

Mr. DANIEL. That was my impression.

Mr. TELLER. The Senator from Virginia is strictly in order at the present time.

Mr. DANIEL. Mr. President, if my motion is in order—

Mr. TELLER. It is.

Mr. DANIEL. It is my impression that there was that agreement about this bill. I will say only a few words more about it. I do not wish to detain the Senate from voting, but it is clear to my mind and conception of this amendment that it is an amendment which will lead to, rather than avoid, difficulties. Of course if a consignee has his goods libeled, so to speak, by an executive officer of the Government, and steps up and says, "You shall not have them," he will take some judicial procedure, it may be, to get them; but unless he take such procedure his goods are lost to him, not by an ex parte procedure of the Government in a legal sense, not under the superintendence of a judicial eye even in his absence, but by a mere executive regulation for the conduct of a Cabinet officer here in Washington. The ipse dixit of that Cabinet officer condemns a man's property, and unless he be at hand instantly to defend himself in such a way as he may his property is lost to him and his investment perishes.

I do not believe that any such statute ought to be on our statute book. It is derogatory to the rights of free citizenship and to orderly and appropriate judicial procedure of condemnation.

The PRESIDENT pro tempore. The Chair desires to ask the Senator from Colorado what the unanimous-consent agreement was?

Mr. TELLER. The unanimous-consent agreement was just as we have had it in one or two other instances, that the committee amendments should be first considered and then the whole bill would be open to any amendments.

The PRESIDENT pro tempore. Does the Senator from Colorado understand that that unanimous-consent agreement extends to amendments which had been agreed to?

Mr. TELLER. It did distinctly.

Mr. CHANDLER. That is my recollection, Mr. President.

Mr. TELLER. It was that we would have a right to move to amend the bill as we desired.

Mr. JONES of Arkansas. There is no question about that.

The PRESIDENT pro tempore. The Senator from Virginia moves to amend by striking out what the Secretary will read.

The SECRETARY. On page 28, line 10, after the word "advisable," at the beginning of the line, strike out all down to and including line 24 at the bottom of the page.

Mr. CAFFERY. Mr. President, I desire to ask the Senator from Virginia, if what he says is true, that this amounts to a condemnation of a man's property without due process of law, whether that condemnation does not come under the prohibition of the fourteenth amendment of the Constitution, and that the committee amendment is in that respect unconstitutional?

Mr. DANIEL. That is my impression about it.

Mr. CAFFERY. It occurs to me to be a very dangerous error, even setting aside any question of its constitutionality, to lodge in the hands of the Secretary of Agriculture or the Secretary of the Treasury. It appears from the wording of this amendment that the Secretary of Agriculture advises the Secretary of the Treasury that certain packages of goods have been imported from abroad which he supposes to be adulterated goods, and he obtains permission then from the Secretary of the Treasury to open the packages. They are opened, and he passes judgment upon them. He either says that they are good articles or that they are adulterated.

Now, that is a condemnation of the property of the consignee, presumably an American citizen, without due process of law, and in that particular I think it is unconstitutional. Even if it were not I would not be willing to permit any head of a Department to exercise such an unlimited authority. Even if it were constitutional, and I think it is clearly unconstitutional, then the consignee of these goods, upon the question of their adulteration, should be entitled to a judicial hearing and be allowed to prove his side of the case and to establish, if he could, that the goods were not adulterated.

Mr. CHANDLER. Mr. President, the Senate has taken a vote to take a recess at half past 5 o'clock, and I therefore move an executive session of the Senate.

The PRESIDENT pro tempore. The Senator will withhold his motion, that the Chair may lay before the Senate a message from the President of the United States.

Mr. CHANDLER. Certainly.

NORTH ATLANTIC SQUADRON.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read and referred to the Committee on Naval Affairs, and ordered to be printed:

To the Senate and House of Representatives:

During our recent war with Spain the United States naval force on the North Atlantic Station was charged with varied and important duties, chief among which were the maintenance of the blockade of Cuba, aiding the Army, and landing troops and in subsequent operations, and particularly in the pursuit, blockade, and destruction of the Spanish squadron under Admiral Cervera.

This naval campaign, embracing objects of wide scope and grave responsibilities, was conducted with great ability on the part of the commander in chief, and of the officers and enlisted men under his command. It culminated in the annihilation of the Spanish fleet in the battle of July 3, 1898, one of the most memorable naval engagements in history.

The result of this battle was the freeing of our Atlantic coast from the possibilities to which it had been exposed from Admiral Cervera's fleet, and the termination of the war upon the seas.

I recommend that, following our national precedents, especially that in the case of Admiral Dewey and the Asiatic Squadron, the thanks of Congress be given to Rear-Admiral William T. Sampson, United States Navy, and to the officers and men under his command for highly distinguished conduct in conflict with the enemy, and in carrying on the blockade and naval campaign on the Cuban coast, resulting in the destruction of the Spanish fleet at Santiago de Cuba July 3, 1898.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, February 14, 1901.

CONDITIONS IN THE PHILIPPINES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 8th instant, a copy of Major-General MacArthur's proclamation outlining a more rigid policy, dated Manila, Philippine Islands, December 30, 1900, and stating that Major-General MacArthur's report in relation to conditions in the Philippines is already printed, and also that no criticism by A. Mabini of Major-General MacArthur's proclamation has been received by the War Department; which, with the accompanying paper, was referred to the Committee on Military Affairs, and ordered to be printed.

EXECUTIVE SESSION.

Mr. CHANDLER. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirteen minutes spent in executive session the doors were reopened.

PROTESTANT EPISCOPAL CATHEDRAL FOUNDATION.

Mr. KEAN. I ask the Senate to proceed to the consideration of the bill (S. 3481) to permit certain burials of the dead in the lands of the Protestant Episcopal Cathedral Foundation of the

District of Columbia, and for other purposes. The bill was called up and objected to some time ago, but the objection is withdrawn.

The PRESIDENT pro tempore. The Chair is afraid the Senator will be interrupted by the arrival of the hour for taking a recess.

Mr. CHANDLER. The bill has been read.

Mr. KEAN. It has been read.

Mr. CARTER. The bill has been read.

The PRESIDENT pro tempore. The Senator from New Jersey asks unanimous consent for the present consideration of the bill he has indicated. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT pro tempore (at 5 o'clock and 30 minutes p. m.). The Senate will take a recess until 8 o'clock to-night.

The Senate thereupon took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

DISTRICT OF COLUMBIA CODE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9835) to establish a code of law for the District of Columbia.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). The Secretary will proceed with the reading of the bill.

The Secretary resumed and concluded the reading of the bill.

Mr. STEWART. I move that the Senate adjourn.

The motion was agreed to; and (at 8 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 15, 1901, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate February 14, 1901.

APPOINTMENTS IN THE VOLUNTEER ARMY.

TWENTY-EIGHTH INFANTRY.

Sergt. Louis E. Shucker, Company E, Twenty-eighth Infantry, to be second lieutenant, February 12, 1901, vice Young, resigned.

FORTY-THIRD INFANTRY.

Com. Sergt. William O. Trenor, Forty-third Infantry, to be second lieutenant, February 12, 1901, vice Price, promoted.

FORTY-FOURTH INFANTRY.

Q. M. Sergt. John A. Bassett, Forty-fourth Infantry, to be second lieutenant, February 12, 1901, vice Hincken, killed in action.

FORTY-SEVENTH INFANTRY.

Sergt. William E. Roberts, Company H, Forty-seventh Infantry, to be second lieutenant, February 12, 1901, vice Harrison, promoted.

APPOINTMENTS AS MEDICAL OFFICERS OF VOLUNTEERS.

To be assistant surgeons of volunteers with the rank of captain.

Isaac W. Brewer, of Kansas (captain and assistant surgeon, Thirty-sixth Infantry, United States Volunteers), February 12, 1901.

Ernest H. Wheeler, of Maine (late assistant surgeon, First Maine Volunteer Infantry), February 12, 1901.

APPOINTMENTS IN THE ARMY.

MEDICAL DEPARTMENT.

To be assistant surgeons with the rank of first lieutenant.

John Dixon Yost, of Massachusetts (acting assistant surgeon, United States Army), February 11, 1901.

Charles Ransom Reynolds, of New York (acting assistant surgeon, United States Army), February 11, 1901.

Paul C. Hutton, of North Carolina (acting assistant surgeon, United States Army), February 11, 1901.

Frederick Allport Dale, of Pennsylvania (acting assistant surgeon, United States Army), February 11, 1901.

William Miller Roberts, of Maryland (acting assistant surgeon, United States Army), February 11, 1901.

Charles William Farr, of New York (acting assistant surgeon, United States Army), February 11, 1901.

PROMOTIONS IN THE ARMY.

QUARTERMASTER'S DEPARTMENT.

To be quartermaster with the rank of major.

Capt. John B. Bellinger, assistant quartermaster, February 2, 1901, to fill an original vacancy.

CAVALRY ARM.

To be majors.

Capt. James B. Hickey, Eighth Cavalry, February 2, 1901, to fill an original vacancy.

Capt. Edward J. McClernand, Second Cavalry, February 2, 1901, to fill an original vacancy.

Capt. Levi P. Hunt, Tenth Cavalry, February 2, 1901, to fill an original vacancy.

Capt. Cunliffe H. Murray, Fourth Cavalry, February 2, 1901, to fill an original vacancy.

Capt. Charles A. Varnum, Seventh Cavalry, February 2, 1901, to fill an original vacancy.

INFANTRY ARM.

To be major.

Capt. Alfred C. Sharpe, Twenty-second Infantry, February 2, 1901, vice Chance, Fifth Infantry, promoted.

QUARTERMASTER'S DEPARTMENT.

To be quartermasters with the rank of major.

Capt. Robert R. Stevens, assistant quartermaster, February 2, 1901, to fill an original vacancy.

Capt. Frederick G. Hodgson, assistant quartermaster, February 2, 1901, to fill an original vacancy.

PROMOTIONS IN THE NAVY.

Rear-Admiral William T. Sampson, to be advanced five numbers in rank, from the 11th day of February, 1901, to take rank next after Rear-Admiral John A. Howell.

Rear-Admiral Winfield Scott Schley, to be advanced three numbers in rank, from the 11th day of February, 1901, to take rank next after Rear-Admiral William T. Sampson when advanced.

Capt. Robley D. Evans, to be advanced five numbers in rank, and to be a rear-admiral in the Navy, from the 11th day of February, 1901, to take rank next after Rear-Admiral Charles S. Cotton.

Capt. Henry C. Taylor, to be advanced five numbers in rank, and to be a rear-admiral in the Navy, from the 11th day of February, 1901, to take rank next after Rear-Admiral John J. Read.

Capt. Francis A. Cook, to be advanced five numbers in rank, from the 11th day of February, 1901, to take rank next after Capt. William C. Wise.

Capt. Charles E. Clark, to be advanced six numbers in rank, from the 11th day of February, 1901, to take rank next after Capt. Francis A. Cook when advanced.

Capt. Charles D. Sigsbee, to be advanced three numbers in rank, from the 11th day of February, 1901, to take rank on the list of captains next after George W. Melville, rear-admiral while Chief of the Bureau of Steam Engineering.

Capt. French E. Chadwick, to be advanced five numbers in rank, from the 11th day of February, 1901, to take rank next after Capt. Benjamin P. Lamberton.

Capt. John J. Hunker, to be advanced three numbers in rank from the 11th day of February, 1901, to take rank next after Capt. Charles S. Sperry.

Commander Chapman C. Todd, to be advanced three numbers in rank from the 11th day of February, 1901, and to be at the head of the list of commanders.

Commander William T. Swinburne to be advanced two numbers in rank from the 11th day of February, 1901, to take rank next after Commander Henry N. Manney.

Commander John D. Ford to be advanced three numbers in rank from the 11th day of February, 1901, to take rank next after Commander Henry B. Mansfield.

Commander Alexander B. Bates, to be advanced three numbers in rank, from the 11th day of February, 1901, to take rank next after Commander Leavitt C. Logan.

Commander Robert W. Milligan, to be advanced three numbers in rank, from the 11th day of February, 1901, to take rank next after Commander Charles O. Allibone.

Commander Richard Inch, to be advanced three numbers in rank, from the 11th day of February, 1901, to take rank next after Commander Edward D. Taussig.

Commander Charles W. Rae, to be advanced three numbers in rank, from the 11th day of February, 1901, to take rank next after Commander George W. Baird.

Commander Adolph Marix, to be advanced two numbers in rank, from the 11th day of February, 1901, to take rank next after Commander George H. Kearny.

Commander Raymond P. Rodgers, to be advanced five numbers in rank, from the 11th day of February, 1901, to take rank next after Commander Adolph Marix when advanced.

Commander Seaton Schroeder, to be advanced three numbers in rank, from the 11th day of February, 1901, to take rank next after Commander Royal R. Ingersoll.

Commander Richard Wainright, to be advanced ten numbers

in rank, from the 11th day of February, 1901, to take rank next after Commander Duncan Kennedy.

Commander John A. Rodgers, to be advanced five numbers in rank, from the 11th day of February, 1901, to take rank next after Commander Edwin K. Moore.

Commander James K. Cogswell, to be advanced five numbers in rank, from the 11th day of February, 1901, to take rank next after Commander James D. Adams.

Commander Frederic Singer, to be advanced five numbers in rank, from the 11th day of February, 1901, to take rank next after Commander James K. Cogswell when advanced.

Commander William P. Potter, to be advanced five numbers in rank, from the 11th day of February, 1901, to take rank next after Commander Ebenezer S. Prime.

Commander Giles B. Harber, to be advanced five numbers in rank, from the 11th day of February, 1901, to take rank next after Commander Nathan E. Niles.

Commander John B. Briggs, to be advanced five numbers in rank, from the 11th day of February, 1901, to take rank next after Commander Giles B. Harber when advanced.

Commander Newton E. Mason, to be advanced five numbers in rank, from the 11th day of February, 1901, to take rank next after Commander John B. Briggs when advanced.

Commander George P. Colvocoresses, to be advanced five numbers in rank, from the 11th day of February, 1901, to take rank next after Commander John C. Wilson.

Commander John A. Norris, to be advanced five numbers in rank from the 11th day of February, 1901, to take rank next after Commander Richard G. Davenport.

Lieut. Commander Warner B. Bayley, to be advanced two numbers in rank from the 11th day of February, 1901, to take rank next after Lieut. Commander Kossuth Niles.

Lieut. Commander Edward M. Hughes, to be advanced five numbers in rank from the 11th day of February, 1901, to take rank next after Lieut. Commander Albert F. Dixon.

Lieut. Commander Corwin P. Rees, to be advanced five numbers in rank, from the 11th day of February, 1901, to take rank next after Lieut. Commander George L. Dyer.

Lieut. Commander Albert C. Dillingham, to be advanced two numbers in rank, from the 11th day of February, 1901, to take rank next after Lieut. Commander Hugo Osterhaus.

Lieut. Commander Aaron Ward, to be advanced two numbers in rank, from the 11th day of February, 1901, to take rank next after Lieut. Commander Jacob J. Hunker.

Lieut. Commander Lucien Young, to be advanced three numbers in rank, from the 11th day of February, 1901, to take rank next after Lieut. Commander Edward F. Qualtrough.

Lieut. Commander George B. Ransom, to be advanced three numbers in rank, from the 11th day of February, 1901, to take rank next after Lieut. Commander John C. Colwell.

Lieut. Commander James M. Helm, to be advanced five numbers in rank from the 11th day of February, 1901, to take rank next after Lieut. Commander Henry T. Cleaver.

Lieut. Commander Cameron McK. Winslow, to be advanced five numbers in rank from the 11th day of February, 1901, to take rank next after Lieut. Commander Albert B. Willits.

Lieut. Commander Alexander Sharp, jr., to be advanced five numbers in rank from the 11th day of February, 1901, to take rank next after Lieut. Commander William G. Cutler.

Lieut. Commander Frank H. Bailey, to be advanced three numbers in rank from the 11th day of February, 1901, to take rank next after Lieut. Commander Wythe M. Parks.

Lieut. Commander Benjamin Tappan, to be advanced five numbers in rank from the 11th day of February, 1901, to take rank next after Lieut. Commander John T. Newton.

Lieut. Commander Reynold T. Hall, to be advanced three numbers in rank from the 11th day of February, 1901, to take rank next after Lieut. Commander William S. Hogg.

Lieut. George W. McElroy, to be advanced three numbers in rank from the 11th day of February, 1901, to take rank next after Lieut. Roy C. Smith.

Lieut. Harry McL. P. Huse, to be advanced five numbers in rank from the 11th day of February, 1901, to take rank next after Lieut. William L. Rodgers.

Lieut. Carl W. Jungen, to be advanced five numbers in rank from the 11th day of February, 1901, to take rank next after Lieut. John Hood.

Lieut. Charles H. Harlow, to be advanced two numbers in rank from the 11th day of February, 1901, to take rank next after Lieut. Charles C. Marsh.

Lieut. John L. Purcell, to be advanced two numbers in rank from the 11th day of February, 1901, to take rank next after Lieut. George R. Salisbury.

Lieut. Edwin A. Anderson, to be advanced five numbers in rank from the 11th day of February, 1901, to take rank next after Lieut. William B. Whittelsey.

Lieut. Victor Blue, to be advanced five numbers in rank, from the 11th day of February, 1901, to take rank next after Lieut. Ford H. Brown.

Lieut. Thomas P. Magruder, to be advanced five numbers in rank, from the 11th day of February, 1901, to take rank next after Lieut. Benjamin F. Hutchison.

Lieut. Cleland N. Offley, to be advanced four numbers in rank, from the 11th day of February, 1901, to take rank next after Lieut. George B. Bradshaw.

Lieut. William H. Buck, to be advanced eight numbers in rank, from the 11th day of February, 1901, to take rank next after Lieut. Warren J. Terhune.

Lieut. Harry H. Caldwell, to be advanced five numbers in rank from the 11th day of February, 1901, to take rank next after Lieut. John H. Rowen.

Lieut. (Junior Grade) Henry H. Ward, to be advanced ten numbers in rank and to be a lieutenant from the 11th day of February, 1901, to take rank next after Lieut. Patrick W. Hourigan.

Lieut. (Junior Grade) Walter S. Crosley, to be advanced two numbers in rank from the 11th day of February, 1901, to take rank next after Lieut. (Junior Grade) Edward H. Campbell.

Lieut. (Junior Grade) Andre M. Procter, to be advanced five numbers in rank from the 11th day of February, 1901, to take rank next after Lieut. (Junior Grade) Frank B. Upham.

Lieut. (Junior Grade) William P. Scott, to be advanced five numbers in rank, from the 11th day of February, 1901, to take rank next after Lieut. (Junior Grade) Ernest L. Bennett.

Lieut. (Junior Grade) Joseph M. Reeves, to be advanced four numbers in rank, from the 11th day of February, 1901, to take rank next after Lieut. (Junior Grade) William P. Scott when advanced.

Lieut. (Junior Grade) Frank Lyons, to be advanced four numbers in rank, from the 11th day of February, 1901, to take rank next after Lieut. (Junior Grade) Leland F. James.

Lieut. (Junior Grade) James P. Morton, to be advanced four numbers in rank, from the 11th day of February, 1901, to take rank next after Lieut. (Junior Grade) Charles K. Mallory.

Ensign William R. White, to be advanced five numbers in rank from the 11th day of February, 1901, to take rank next after Ensign Alfred W. Pressey.

Paymaster William W. Galt, to be advanced one number in rank from the 11th day of February, 1901, and to take rank next after Paymaster Charles W. Littlefield.

Naval Constructor Richmond P. Hobson, to be advanced ten numbers in rank from the 11th day of February, 1901, and to be a naval constructor with the rank of captain, to take rank next after Naval Constructor Joseph H. Linnard.

Rear-Admiral James Entwistle, retired, to be advanced two numbers in rank, on the retired list, from the 11th day of February, 1901, to take rank next after Rear-Admiral Nicoll Ludlow, retired.

Chief Engineer Charles J. MacConnell, retired, to be advanced one number in rank on the retired list, from the 11th day of February, 1901, to take rank at the head of chief engineers on the retired list, holding the rank of captain, retired in accordance with the provisions of section 1453 of the Revised Statutes.

Capt. John L. Hannum, retired, to be advanced two numbers in rank, on the retired list, from the 11th day of February, 1901, to take rank next after Capt. Henry B. Seely, retired.

Capt. George Cowie, retired, to be advanced three numbers in rank, on the retired list, to take rank next after Capt. John R. Bartlett, retired.

PROMOTIONS IN THE MARINE CORPS.

Capt. Charles L. McCawley, to be a major in the Marine Corps, by brevet, from the 11th day of June, 1898, for distinguished conduct and public service in the presence of the enemy at Guantanamo, Cuba.

Capt. Allan C. Kelton, to be a major in the Marine Corps, by brevet, from the 11th day of June, 1898, for distinguished conduct and public service in the presence of the enemy at Guantanamo, Cuba.

First Lieut. James E. Mahoney, to be a captain in the Marine Corps, by brevet, from the 11th day of June, 1898, for distinguished conduct and public service in the presence of the enemy at Guantanamo, Cuba.

First Lieut. Herbert L. Draper, to be a captain in the Marine Corps, by brevet, from the 11th day of June, 1898, for distinguished conduct and public service in the presence of the enemy at Guantanamo, Cuba.

First Lieut. Charles G. Long, to be a captain in the Marine Corps, by brevet, from the 11th day of June, 1898, for distinguished conduct and public service in the presence of the enemy at Guantanamo, Cuba.

First Lieut. Albert S. McLemore, to be a captain in the Marine

Corps, by brevet, from the 11th day of June, 1898, for distinguished conduct and public service in the presence of the enemy at Guantanamo, Cuba.

First Lieut. William N. McKelvy, to be a captain in the Marine Corps, by brevet, from the 11th day of June, 1898, for distinguished conduct and public service in the presence of the enemy at Guantanamo, Cuba.

Second Lieut. Melville J. Shaw, to be a first lieutenant in the Marine Corps, by brevet, from the 11th day of June, 1898, for distinguished conduct and public service in the presence of the enemy at Guantanamo, Cuba.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 14, 1901.

APPOINTMENT IN THE REVENUE SERVICE.

John Boedeker, of Massachusetts, to be a third lieutenant in the Revenue-Cutter Service of the United States.

PROMOTIONS IN THE REVENUE SERVICE.

First Lieut. Albert Buhner, of South Carolina, to be a captain in the Revenue-Cutter Service of the United States.

Third Lieut. Eben Barker, of Massachusetts, to be a second lieutenant in the Revenue-Cutter Service of the United States.

Third Asst. Engineer William V. Sullivan, jr., of Mississippi, to be a second assistant engineer in the Revenue-Cutter Service of the United States.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 14, 1901.

The House met at 12 o'clock noon, and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

LIGHT AND FOG STATION AT POINT DUME, LOS ANGELES COUNTY, CAL.

Mr. KAHN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5364) to establish a light and fog station at Point Dume, Los Angeles County, Cal.

The SPEAKER. The gentleman from California asks unanimous consent for the present consideration of a Senate bill which the Clerk will report.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be established at Point Dume, Los Angeles County, Cal., a suitable light and fog-signal station, at a cost not to exceed \$63,000.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, we should like to have some explanation of this measure. I see the two able champions of the people here, representing the Committee on Appropriations, the gentleman from Illinois [Mr. CANNON] and the gentleman from Massachusetts [Mr. MOODY]. I call attention to this \$63,000 expenditure.

Mr. KAHN. Mr. Speaker, Point Dume is at the head of Santa Monica Bay, at its northern extremity. There is a great commerce that enters that bay at the present time. During the past year no less than 296 ocean steamers passed that point. The 20-fathom curve comes to within a mile of that point, and, as is very frequently the case on the California coast, there is a large fog belt that extends along that coast. It is a point at which the Light-House Board have recommended that a light-house and fog-signal station be established. There is no fog-signal station at that point or within 25 miles of either side of that point. There is no other light-house visible from that point, and in consequence of the large commerce that enters that bay I sincerely hope that the House will grant consent that this light-house may be established.

The SPEAKER. Is there objection?

Mr. CANNON. Mr. Speaker, one word. I am not inclined to object to the consideration of this bill. While I do not know much of its merits, it is true that with the ten or fifteen thousand miles of coast line of the United States many light-houses are called for. Some are recommended as indispensable, others as necessary, others as desirable. I do not know whether this belongs to the first, the second, or the third class. It is within the jurisdiction exercised by the Committee on Interstate and Foreign Commerce. I take it for granted from the statement of the gentleman that there is a high grade of necessity for the erection of a light at this point. In any event, it is in the class of cases where I am under the impression that it is recognized as indispensable, and I am strong enough in that impression not to object; but if unanimous consent should be given to consider it, then it is open for consid-

eration on the merits. Of course one objection will kill it now, whereas a majority will be required to pass it in the event of consent being given.

Mr. MADDOX. If the gentleman will permit me, is it not a fact that we have provided for several already by unanimous consent?

Mr. CANNON. Oh, yes; and I want to say, touching that point—I want to be fair with the House, because as these matters involve large expenditures and are passed in an extraordinary way, namely, by unanimous consent instead of by discussion in Committee of the Whole—I believe every bill that passes ought to be scrutinized as closely as possible, because they necessitate an extraordinary expenditure of money. Now, from the little information I can get, I am inclined to believe that this is one of the class that might be styled absolutely necessary.

Mr. GAINES. Where is it to be located?

Mr. CANNON. I believe it is at the harbor of Santa Monica.

Mr. KAHN. It is at the northern extremity of Santa Monica Bay, California.

Mr. GAINES. How far from San Francisco?

Mr. KAHN. It is about 250 miles from San Francisco.

The SPEAKER. Is there objection to taking the Senate bill from the Speaker's table and considering it now?

Mr. McRAE. I should like to ask if this bill has been reported favorably by any committee?

Mr. KAHN. It has the unanimous report of the House committee, and it has already passed the Senate.

The SPEAKER. The Chair hears no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. KAHN, a motion to reconsider the last vote was laid on the table.

By unanimous consent, the corresponding House bill was ordered to lie on the table.

BRIDGE ACROSS THE CHOCTAWHATCHEE RIVER AT GENEVA, ALA.

Mr. BERRY. I ask unanimous consent for the present consideration of the bill (S. 5814) to authorize the Louisville and Nashville Railroad Company to construct, maintain, and operate a bridge across the Choctawhatchee River at Geneva, Ala.

The SPEAKER. The gentleman from Kentucky asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read. It provides that the Louisville and Nashville Railroad Company, a corporation created and existing under the laws of the State of Kentucky, and doing business in the State of Alabama, its successors and assigns, be, and it is hereby, authorized and empowered to construct, maintain, and operate a bridge across the Choctawhatchee River at Geneva, Ala., at such point as may have been or may hereafter be selected by said railroad company for crossing said river on its line of railroad, provided such point selected shall, in the judgment of the Secretary of War, be suitable to the interests of navigation; that said bridge shall be constructed for the passage of railroad trains, and said railroad company may locate, construct, maintain, and operate over said bridge and the approaches thereto railroad tracks for the use of said railroad company.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BERRY, a motion to reconsider the last vote was laid on the table.

NORTHERN PACIFIC RAILROAD LAND GRANT.

Mr. EDDY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4306) for the relief of settlers under the public-land laws to lands within the indemnity limits of the grant to the Northern Pacific Railroad Company.

The SPEAKER. The gentleman from Minnesota asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That the provisions of the act of July 1, 1898, appearing in 30 Statutes at Large, at pages 620, 621, and 622, providing a plan for the adjustment by the Land Department of conflicting claims to lands within the limits of the grant to the Northern Pacific Railroad Company, are hereby extended and made applicable to all instances where lands in odd-numbered sections within the indemnity limits of the grant to said company were patented to settlers under the public-land laws subsequent to August 15, 1887, and prior to July 1, 1898, in pursuance of applications presented to or proceedings initiated in the local land office at a time when the land was included within an existing Executive withdrawal on account of said grant or at a time when it was embraced in a pending indemnity selection made by said company in conformity with the regulations of the Land Department, which indemnity selection has not since been waived or abandoned.

The following committee amendment was read:

After the word "abandoned," in line 7, page 2, strike out all of lines 8, 9, and 10.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McRAE. Mr. Speaker, I desire to reserve the right to object. I should like to have an explanation of the bill.

Mr. EDDY. Mr. Speaker, after the location of the Northern Pacific Railroad Company land grants the company was entitled to certain indemnity selections. These were made on behalf of the company. Numerous settlers had claims pending at that time, and afterwards made settlement on the lands. There were various conflicting rulings on the part of the Interior Department of the United States, and this matter was subsequently a source of dispute and contention between the railroad company and the settlers. On July 1, 1898, or about that time, a bill was passed by the Congress of the United States, and became a law, providing for the settlement of these conflicting claims upon substantially the following basis:

First, those settlers who had made claims upon the indemnity selections of the Northern Pacific lands which were in dispute had the right to surrender their claims and take public lands elsewhere and have the time during which they had occupied these claims counted on the other selections; second, where settlers did not wish to surrender the claim the Northern Pacific Railroad Company were entitled to surrender their claims thereto and to select lieu lands elsewhere.

Those of us who are interested in the matter supposed this a final settlement; but there had been certain of these claims patented, the parties had received patents for their lands, and the Interior Department decided, when the railroad company made application for lieu land for these patented lands, that the lands, having been patented, had passed out of the jurisdiction of the Interior Department and became a matter for the courts. Thereupon the railroad company commenced action to eject these settlers who had received patents for the land; and the passage of this bill is simply this, to put these settlers on these indemnity lands who have received patents for the lands in exactly the same status as those who had simply made filings and had not received patents.

Now, these indemnity selections were of two classes. One was in what was known as the "Vilas withdrawal," and the other was outside the Vilas withdrawal. A few weeks ago—and I would like the attention of the House—the Supreme Court of the United States decided that the "Vilas withdrawal" was legal, and therefore the settlers who received their patents on what was known as the "Vilas withdrawal" are taken out of this bill. For that purpose I have an amendment which I desire to offer, which has been approved by the unanimous report of the Committee on Public Lands, so that it covers the case of those settlers and takes out those who were claiming in the "Vilas withdrawal." I desire to say further, Mr. Speaker, that these actions will come up before the circuit court of the United States at Fergus Falls in next April, and it is a very important matter that this bill be passed in order that these settlers may retain their land. It only covers a comparatively few settlers, and it is a matter of very great importance to them. I ask unanimous consent for the consideration of the amendment which I offer.

Mr. McRAE. I have no objection. I recollect the necessity for it.

Mr. RIDGELY. I reserve the right to object until I can have an explanation on a matter or two.

Mr. McRAE. There have been so many acts affecting the lands within the Northern Pacific grant that I did not at first recall this. I recollect very well the legislation of 1898. There is no reason in the world, in my opinion, why the settlers having patents should not be treated as well as, indeed, I think should be treated better than, those who merely had claims to land.

Mr. RIDGELY. Reserving the right to object, I will state that I have been in that country and know something about these troubles; and if I understand the statement of the gentleman, it gives the settlers an option; and if a settler who had entered upon the reserved lands preferred to surrender them and take lands elsewhere, he would have the right to do so; and if he wished to retain the lands, he had the option of doing so, and the railroad company should in that case take other lands.

Mr. LACEY. If my friend will yield to me, I will answer the question. Prior to the lawsuits now pending between the railroad and the settlers on that land, the railroad companies preferred that the patented lands, should the suit be decided, be given to the settlers, provided they could take an equal amount of land elsewhere. These lands are in the cultivated portion of Minnesota, and better land, and they did not want to disturb the settlers. It was placed in the bill, but inasmuch as the ruling the Department made excludes those who have received patents, we have struck that out of the bill. It does not cover very many settlers.

Mr. RIDGELY. Just one point I wish to state a little clearer, and then I have another question. The bill as it now stands gives

to all those settlers in dispute with the railroad company an option to retain the land over which there is a dispute, or surrender it and take other Government lands, or at least the railroad company, subject to their option. The gentleman spoke about the "Vilas withdrawal." Did I understand the gentleman to say that withdrawal was in favor of the Northern Pacific?

Mr. EDDY. No, sir; it was against them.

Mr. RIDGELY. And thereby the lands in that Vilas withdrawal were not given to the railroad company?

Mr. EDDY. The Vilas withdrawal has been affirmed, and those settlers on that portion of the land affected by what is known as the "Vilas withdrawal" get their patents without any further ceremony.

Mr. RIDGELY. Another question in reference to this bill. This law as it now stands, and by the bill, provides that the railroad company shall have other lands in lieu of the "Vilas withdrawal?"

Mr. EDDY. It does not.

Mr. RIDGELY. How are they to make up the other lands?

Mr. EDDY. By the Vilas withdrawal. If they have any deficiency in the land outside of the Vilas withdrawal, then they have the right to make a lieu selection.

Mr. RIDGELY. Outside?

Mr. EDDY. That only relates to the lands patented, you understand. It only covers provision for the settlers.

Mr. RIDGELY. We had refused title to their lands. Is there anything that will reduce the total number of acres?

Mr. EDDY. No, sir.

Mr. RIDGELY. That goes to the Northern Pacific road?

Mr. SHAFROTH. Under the original grant they would have lieu lands. It simply puts the men who received patents the same as those in the Vilas withdrawal?

Mr. RIDGELY. Certainly. With this explanation, Mr. Speaker, I have no objection to the bill. I think it is a good bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The SPEAKER. Now the question is on the amendment offered by the gentleman from Minnesota, which the Clerk will read.

The Clerk read as follows:

Strike out in line 12, page 1, beginning after the word "laws," the following: "subsequent to August 15, 1887, and prior to July 1, 1898."

Also, after the word "time," page 2, line 4, the following: "when the land was included within an existing Executive withdrawal on account of said grant or at a time."

Also, page 2, line 6, after the word "when," insert in place of the word "it" the words "the land."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. EDDY, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE WARRIOR RIVER, ALABAMA.

Mr. TAYLOR of Alabama. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 11110) to authorize the Mobile and West Alabama Railroad Company to construct and maintain a bridge across the Warrior River, between the counties of Walker and Jefferson, in section 35, township 17, range 7 west, Alabama.

The Clerk read the bill at length.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time; and it was read the third time, and passed.

BRIDGE ACROSS THE TOMBIGBEE RIVER, ALABAMA.

Mr. TAYLOR of Alabama. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 11111) to authorize the Mobile and West Alabama Railroad Company to construct and maintain a bridge across the Tombigbee River, Alabama, between the counties of Marengo and Choctaw, below Demopolis, Ala.

The Clerk read the bill at length.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time; and it was read the third time, and passed.

On motion of Mr. TAYLOR of Alabama, a motion to reconsider the last two votes was laid on the table.

IMMEDIATE-TRANSPORTATION PRIVILEGES, MILWAUKEE, WIS.

Mr. OTJEN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5404) to extend the privileges

provided by an act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, as amended.

The Clerk read the bill, as follows:

Be it enacted, etc., That the privileges of immediate transportation as provided by an act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, as amended by an act entitled "An act to amend an act entitled 'An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes,'" approved February 23, 1887, be, and the same are hereby, extended to the port of Milwaukee, State of Wisconsin.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I would like to ask the gentleman if this bill has been reported by the Committee on Ways and Means?

Mr. OTJEN. It has been reported by the Committee on Ways and Means.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. OTJEN, a motion to reconsider the last vote was laid on the table.

STATUE OF GEN. U. S. GRANT.

Mr. McCLEARY. Mr. Speaker, I ask to take from the Speaker's table and consider at this time the bill (H. R. 6240) for the preparation of plans or designs for a memorial or statue of Gen. Ulysses S. Grant on ground belonging to the United States Government in the city of Washington, D. C., with Senate amendments.

The Senate amendments were read.

The SPEAKER. The question is on concurring in the Senate amendments.

The Senate amendments were considered and concurred in.

BRIDGE ACROSS FORT LADACA BAY, TEXAS.

Mr. KLEBERG. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13951) authorizing Calhoun County, in the State of Texas, to construct and maintain a free bridge across Fort Lavaca Bay.

The Clerk read the bill at length.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time; and it was read the third time, and passed.

On motion of Mr. KLEBERG, a motion to reconsider the last vote was laid on the table.

IMMEDIATE TRANSPORTATION PRIVILEGES, NEW BEDFORD, MASS.

Mr. GREENE of Massachusetts. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5023) to extend the privileges of the seventh section of the immediate transportation act to New Bedford, Mass., which has been unanimously reported by the Committee on Ways and Means.

The Clerk read the bill, as follows:

Be it enacted, etc., That the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, be, and they are hereby, extended to the port of New Bedford, Mass.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time; was read the third time, and passed.

On motion of Mr. GREENE of Massachusetts, a motion to reconsider the last vote was laid on the table.

AMERICAN REGISTER FOR STEAMER ENTERPRISE.

Mr. SCUDDER. I ask unanimous consent for the present consideration of the bill (H. R. 13731) to provide an American register for the steamer *Enterprise*. This bill has been unanimously reported by the Committee on Merchant Marine and Fisheries.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built steamer *St. Georg*, wrecked in Cuban waters and purchased and wholly owned by the Merritt & Chapman Derrick and Wrecking Company, of New York City, incorporated under the laws of West Virginia, and now under repair by said company, to be registered as a vessel of the United States under the name of *Enterprise*, whenever it shall be shown to the Commissioner of Navigation that the repairs and salvage on the vessel amount to three times the actual cost of the wreck to her owners.

The SPEAKER. Is there objection?

Mr. PAYNE. I wish to ask a question or two. Where was this vessel wrecked?

Mr. SCUDDER. She was wrecked in Cuban waters.

Mr. PAYNE. Where is she being repaired?

Mr. SCUDDER. In New York. The purpose of the bill is to obviate the difficulty—

Mr. PAYNE. I know what the purpose is; that is obvious. Is the vessel now owned by American owners?

Mr. SCUDDER. She is entirely.

Mr. PAYNE. If I understood the bill correctly, it provides that she shall receive an American register after it has been proved that three times the value has been put upon her in repairs.

Mr. SCUDDER. Yes, sir; as is provided by the Revised Statutes.

Mr. PAYNE. So that there would be a compliance with the law in every respect—

Mr. SCUDDER. Except the locus of the wrecking.

Mr. PAYNE. Except that she did not have sense enough to be wrecked in American waters.

Mr. SCUDDER. She showed that lack of discretion.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SCUDDER, a motion to reconsider the last vote was laid on the table.

LIEUT. HORACE P. M'INTOSH.

Mr. WATSON. I ask unanimous consent for the present consideration of the bill (S. 854) for the relief of Lieut. Horace P. McIntosh.

The bill was read, as follows:

Be it enacted, etc., That Lieut. Horace P. McIntosh, of the United States Navy, be placed on the retired list of the Navy, at a salary equal to 75 per cent of the sea pay of his grade at the time of his retirement, to take effect January 1, 1899.

Mr. UNDERWOOD. Reserving the right to object, I would like to know whether there is a report in this case. If so, I would like to hear it read.

Mr. WATSON. I will send the report to the desk.

The SPEAKER. The report is quite lengthy. Will the gentleman from Alabama [Mr. UNDERWOOD] be content with an explanation?

Mr. WATSON. I am very willing to have the report read.

The SPEAKER. Does the gentleman desire to have it read? The gentleman from Alabama, as the Chair understands, desires an explanation or the reading of the report.

Mr. WATSON. Mr. Speaker, the situation, briefly stated, with regard to this bill is that Lieutenant McIntosh, after a service of twenty-five years in the Navy, thirteen of which were spent afloat and twelve on shore, was retired while in the East for color-blindness; and under the law he was retired upon half pay because the disability was reported to be congenital. The report, however, shows that when Lieutenant McIntosh entered the Naval Academy at Annapolis in 1867 he passed the customary examination, and no defect of the eyes was then discovered. In 1871, when he graduated from the Academy, he passed another examination, and no defect was discovered. In 1874, when he was promoted to the rank of ensign, he passed another examination, and no defect of the eyes was then discovered. In 1878, when he was promoted to the rank of junior lieutenant, he passed another examination, and the question was then raised whether or not there was any defect of vision. Some defect of this character was at that time supposed to exist, and a special examination was ordered. He passed this special examination, and was promoted to the grade of junior lieutenant.

In 1882 he was promoted to the grade of lieutenant, and at the examination which was conducted for the purpose of ascertaining his fitness for promotion he called the attention of the board to the fact that at a previous examination some defect of vision had been discovered, whereupon this board ordered a special examination with a view to determining whether or not there was any defect of vision, and it was decided that none existed—that there was no color blindness whatever.

Now, here were five examinations passed by this officer, who gave twenty-five years of his life to the service of his country. Yet in 1893 he was retired because of color blindness, and the board reported that this color blindness was a congenital defect—that he had been born with it.

As the gentleman well knows, it was originally supposed that color blindness was in all cases congenital; but later investigations lead to the belief that color blindness may be acquired in the service. Hence a great injustice has been done to this man.

Further than that, after he left the service he was employed as a professor in a college because of his ability and acquirements. When the Spanish-American war came on, the President, agreeably to the law of the land, called him into active service, and he was compelled to give up the employment he had obtained. Afterwards he was not able to obtain the same employment. So that after twenty-five years of service, not being fitted for any other occupation, he finds himself out of employment. Because of the peculiar circumstances he thinks it right that he should be retired upon three-fourths pay instead of one-half pay, because five

successive examinations have shown that the defect of vision was not congenital, but was acquired in the service of the country.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Reserving the right to object, I would like to ask the gentleman whether this officer is not capable of doing shore duty in the naval service?

Mr. WATSON. No, sir; for the reason that any officer performing shore duty may be called into active duty at any time. Like qualifications and capabilities are required for the two branches of the service—ashore and afloat.

Mr. UNDERWOOD. The assignment to active duty is entirely within the discretion of the Secretary of the Navy?

Mr. WATSON. But the Secretary of the Navy has made this ruling. Because of the peculiar circumstances surrounding this case the Secretary of the Navy has recommended the passage of the bill for the relief of this man.

Mr. UNDERWOOD. I would like to ask the gentleman what is the age of this officer?

Mr. WATSON. I am not sure as to that. I think he is 55, perhaps, and perhaps not so old as that. I do not know his age.

Mr. UNDERWOOD. Mr. Speaker, I will say to the gentleman from Indiana that I do not believe in retiring men on full pay who are not within the law when they are capable of performing duty.

Mr. WATSON. This is three-quarters pay.

Mr. UNDERWOOD. When they are capable of performing duty.

Mr. WATSON. It is precisely the same that he would be entitled to under the general law, so far as the retirement is concerned. There is nothing unusual in that. The only question is whether he shall be retired on one-half or three-fourths pay, and that turns upon the question whether this defect was congenital or whether it was otherwise acquired. After passing five examinations, two of which were with the sole view of determining that question, it can not be that this was a congenital defect. It must have been acquired.

Mr. UNDERWOOD. I will say to the gentleman that I hope he will let the bill go over until I can have an opportunity to investigate it. I do object to taking it up this morning before I can investigate it. If the gentleman will let it go over I can take the trouble to get the papers and look into it.

Mr. WATSON. If the gentleman objects I can do nothing else but submit.

Mr. UNDERWOOD. By that I mean to say that I may withdraw my objection after I have investigated it.

The SPEAKER. The gentleman from Alabama objects.

Subsequently,

The SPEAKER said: The gentleman from Alabama [Mr. UNDERWOOD] advises the Chair that he withdraws his objection to the bill called up by the gentleman from Indiana [Mr. WATSON]. Is there other objection?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

On motion of Mr. WATSON, a motion to reconsider the last vote was laid on the table.

REGULATION OF NATIONAL BANKS.

Mr. BELLAMY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12614) to amend the national banking laws so as to permit national banks to consider and treat their surplus capital in the restrictions on loans.

The SPEAKER. The gentleman from North Carolina asks unanimous consent for the present consideration of a bill, which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That section 110 of the national banking act, being section 5200 of the Revised Statutes of the United States, be amended by inserting after the word "stock" and before the word "of," in line 5 of said section, the words "and surplus as set apart and declared in the last report of the condition of the association made to the Comptroller by the examiner."

SEC. 2. That this act shall be in force after its passage.

The SPEAKER. Is there objection?

Mr. COX. Mr. Speaker, I want to ask the gentleman just one question.

The SPEAKER. Does the gentleman from North Carolina yield to the gentleman from Tennessee?

Mr. BELLAMY. I yield to the gentleman.

Mr. COX. If you take the surplus of the bank and convert it into capital, under the present law, the bank has a right to take out a circulation equivalent to the par value of its bonds. But here is the difficulty in your case. If the bank can take out for circulation the par value of its bonds and also make the surplus of that bank a part of its capital stock, what have you got left as security for the depositors?

Mr. BELLAMY. This has nothing to do with the circulation of a bank whatever.

Mr. COX. If you convert it into capital stock what is the object?

Mr. BELLAMY. If the gentleman wishes an explanation I will make it.

Mr. COX. Yes; I do not understand it if that is not the object.

Mr. BELLAMY. The Committee on Banking and Currency, to which this bill was referred, after consideration, unanimously reported the bill, and the same was submitted to the Secretary of the Treasury and it has received his hearty approval. There has been a growing need, not only in the larger cities of the country, but in the smaller cities where large industries are conducted, and especially in the cotton-mill centers of the South, for an increase in the capacity of national banks to lend their money.

Mr. COX. Well—

Mr. BELLAMY. Under section 5200 of the Revised Statutes a national bank at present is restricted to 10 per cent of its capital stock in its loan to any one firm, corporation, or individual.

Mr. COX. Yes.

Mr. BELLAMY. Many of these banks have large surpluses, sometimes much greater than the capital itself. Under the revenue law the surplus is taxed as capital. It is a stable, unfluctuating, invariable quantity that the banks retain to give confidence to the depositors. Now, if we increase the capacity of the bank to lend its money, based upon its surplus and capital, we supply a need to the cotton mills and other industries of the South to get local capital—that is, from the banks—in their midst. I will illustrate how badly the present situation works. In and around Charlotte, N. C., there are probably 25 or 30 cotton mills. The combined capital, exclusive of surplus, of the banks of Charlotte does not exceed \$800,000. These banks are not able to lend to any one cotton mill or all the mills in the aggregate more than \$80,000, and yet there are many mills throughout that section which require from \$100,000 to \$150,000 at a time during the season, but can not secure it in our midst, because of the restrictions in the national banking law.

Now, if we permit these banks to add the surplus to its capital in the restrictions on loans, in the case of Charlotte, N. C., it almost doubles the capacity of the banks of that city to lend their money, and thereby increases the opportunity of the mills to get their money at home, to the extent of the surplus of the home banks.

The Comptroller of the Currency, in his recent report, stated that two-fifths of the national banks of the country violated this provision of the law in the last year, and has recommended a change in this respect. The demands of business are so great that this section of the law is constantly violated.

This habitual disregard of the law tends to create indifference to other restrictions in the national-bank law, and it is far better to increase the capacity and power of the bank to lend its money with safety than to allow a custom to disregard the law to grow up, which may eventually result in disaster to the country.

This modification or change in the present law appeals to the judgment of the business men of the country, and it is hoped that no opposition will be offered to its passage.

It has its advantages over the idea presented by some, that the increase of the power of the banks to lend should be based on assets, in that assets are variable, fluctuating, and unstable, while the surplus is stable and fixed.

That if it be based on assets, a bank could easily swell its assets by a loan for a short period, and then lend for a long period.

And so variable are assets, that the Government would have to increase its force of bank examiners, as it would take an indefinite length of time for an examiner to ascertain whether the banks of the country exceeded the limit of the law, as each day's transactions would have to be specially examined, as the assets would change each day and each loan would depend upon the aggregate of the assets at the time the loan was made.

What we want is the largest liberty to loan consistent with the absolute safety of the depositor. Now, this system suggested is advantageous in five points of view. First, it meets the demands of these smaller communities as well as of the larger communities of the country. This is a day of large transactions. Take a bank of \$175,000 capital and having a surplus of \$250,000, as is the case with the Commercial National Bank, of the city of Charlotte. That bank can not loan to a mill over \$12,500 when its surplus is \$250,000; but if added to the capital you permit it to lend \$42,500 with as much safety as if based on capital alone. Now, I say, that if this system is adopted, it will meet the demands of the manufacturing centers of the South. Then, again, it induces banks to create a surplus.

If they can lend more money based upon their surplus, they will take from what is now regarded as undivided profit and transfer it to the surplus column, thereby giving additional credit to the bank, security to the depositors, and increase the value of the stock for taxation, as we are well aware that under the revenue law the surplus of a bank is taxed equally with the capital.

Mr. SMITH of Kentucky. I should like to ask the gentleman a question. Ought it not to be our policy to induce these banks to increase their capital stock rather than to induce them to build

up a strong surplus and create speculative values in national-bank stocks?

Mr. BELLAMY. This does not create a speculative interest.

Mr. MADDOX. Mr. Speaker, in order to save time I will state that I am going to object to the consideration of this bill.

The SPEAKER. The gentleman from Georgia objects.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the sundry civil appropriation bill.

The SPEAKER. The gentleman from Illinois moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HOPKINS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of House bill 14018.

Mr. McRAE. Mr. Chairman, I now call up the motion that I made to strike out part of pages 5 and 6, and yield to the gentleman from Virginia [Mr. JONES]. I will ask the Clerk to report the motion to strike out.

The Clerk read as follows:

Strike out, on pages 5 and 6, the following:

"For rent of old custom-house at New York, N. Y.: For rental of temporary quarters for the accommodation of certain Government officials, from August 28, 1899, to June 30, 1900, \$109,847.12; from July 1, 1900, to June 30, 1901, \$130,000; from July 1, 1901, to June 30, 1902, \$130,000; in all, \$371,047.12."

Mr. JONES of Virginia. Mr. Chairman, before I use the time which it was agreed on yesterday I should have this morning, I desire to have the Chair pass upon the point of order which I then raised. The sum of \$371,047.12, in the paragraph on pages 5 and 6, is made up of three items. One embraces something over a hundred thousand dollars for rent alleged to be due for the old custom-house in New York City from August, 1899, until June 30, 1899, and the other is \$130,000 for rent of the same building from the 30th of June, 1900, to the 30th of June, 1901.

It seems to me, Mr. Chairman, that those two items which go to make up in part the \$371,047.12, which we are asked to pay to the National City Bank as rent, should have been placed in a general deficiency bill and that they can find no proper place on this sundry civil bill. Certainly in my opinion that first item ought to have been provided for, if provided for at all, by the last Congress, and that the last Congress having failed to make provision for its payment it could only be brought to the attention of this Congress in a deficiency bill. If I be right in this, these two items ought to go out of this bill on my point of order.

The CHAIRMAN. The Chair will hear the gentleman from Illinois [Mr. CANNON] on the point of order. The Chair will first refer the gentleman to a decision on this point.

Mr. CANNON. I should be glad to hear it. I think the item is not subject to the point of order, but I should be glad to have the Chair read the decision, if he has it.

The CHAIRMAN (Mr. PAYNE). On January 28, 1897, the Indian appropriation bill being under consideration in Committee of the Whole House on the state of the Union, the Clerk read a paragraph appropriating a sum of money to enable the Secretary of the Interior to reimburse the confederated Kaskaskia, Peoria, Piankeshaw, and Wea tribes of Indians the amount due them under the treaty of May 30, 1854. Mr. JOSEPH G. CANNON, of Illinois, made the point of order that this was a claim and had no place on a bill appropriating for the service of the coming fiscal year.

The heading of the paragraph reads:

General appropriation bills, except the general deficiency, provide for the next fiscal year, and expenditures for preceding years, whether for claims or other objects, if enacted on any general appropriations bills, belong in the general deficiency.

Mr. CANNON. Mr. Chairman—

The CHAIRMAN. And there are other decisions to the same effect.

Mr. CANNON. I understand that thoroughly, but I think I can show in a moment that the point of order is not well taken. For that purpose I call the attention of the Chair to the difference between this case and all cases that have been decided. Now, Rule XI provides as follows:

All proposed legislation shall be referred to the committee named in the preceding rule, viz: Subjects relating—

Now, coming to appropriations—

to appropriation of the revenue for the support of the Government, as herein provided, viz, for legislative, executive, and judicial expenses; for sundry civil expenses; for fortifications and coast defenses; for the District of Columbia; for pensions, and for all deficiencies—to the Committee on Appropriations.

Now, I call the attention of the Chair particularly to the subjects that are referred to the Committee on Appropriations.

Now, the Committee on Indian Affairs:

To the relations of the United States with the Indians and the Indian tribes, including appropriations therefor—to the Committee on Indian Affairs.

A similar clause now for the Naval Committee and the Committee on Foreign Affairs. The items in the case given of the Committee on Indian Affairs should have gone, under the rule, to the Appropriation Committee for deficiency, because they were specifically granted to the Committee on Appropriations by the rule and for all deficiencies. Now, then, the point of order was well taken as to the Committee on Indian Affairs. They had no jurisdiction whatever to appropriate or recommend any appropriations for deficiencies. Now, when you come to the Committee on Appropriations, they have jurisdiction of sundry civil expenses, for fortifications and coast defenses, for the District of Columbia, for pensions, and for all deficiencies. Now, it is quite competent for the committee having jurisdiction of all these different subjects under the rule to appropriate or recommend appropriations in one bill, if they choose, instead of five.

The matter of dividing them into various bills, the committee having jurisdiction, as indicated, all along the line, is purely an arbitrary matter. The committee, if they saw proper, without subjecting a provision to a point of order, have, on the general deficiency bill, or the legislative bill, or the sundry civil bill, in part or whole, to report to the House for its consideration, because it has the jurisdiction of all these subjects, whereas the Committee on Indian Affairs has no jurisdiction of any deficiency, because the grant to the Committee on Appropriations is for all deficiencies, as well as for sundry civil, legislative, etc.; so that the decisions do not apply to the Committee on Appropriations touching the matters which were granted the committee under the rule.

Mr. JONES of Virginia. Mr. Chairman, I desire to say just a word in reply to what the gentleman from Illinois, the chairman of the committee, has said. The first paragraph of this bill is in these words:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated for the objects hereinafter expressed, for the fiscal year ending June 30, 1902, namely:

Now, that is the first paragraph of the bill, and the bill is expressly confined to the fiscal year ending June 30, 1902. I do not question the fact that the Committee on Appropriations has jurisdiction of this matter; but the Chair will take cognizance of the fact that the Appropriations Committee will report a general deficiency bill, as has been the universal custom in this House.

Mr. CANNON. I will call my friend's attention to the fact that that is the caption, and does not control. Let me call his attention to the title of the bill.

Making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes.

Now, that is just as controlling as the enacting clause, and the only test would be in the event there was other legislation and appropriation whether it would be efficient.

In other words, there is no claim upon the part of the gentleman that the Committee on Appropriations, under the rule of the House, Rule XI, has not jurisdiction of the subject of all deficiencies as well as other specified jurisdiction. Now, having jurisdiction of that subject, any general appropriation bill that they may report that carries any of these items within its jurisdiction is within the rule, as it seems to me. Certainly it is within the reason of the rule, and it seems to me is within the rule, the letter as well as the reason.

The CHAIRMAN. The Chair is ready to decide, if neither gentleman desires to say anything further. The Chair finds that all the precedents offered seem to relate to the Indian appropriation bill, and the rules make a distinction between the jurisdiction of the two committees. The Indian Affairs Committee only have control of the general appropriation bill for the Indian Service, and the deficiencies are given to the Committee on Appropriations. Now, none of the precedents relate to any bill reported from the Committee on Appropriations, and no reason is given in any decision, so far as the Chair is able to find, and there are two or three pages of them, that would exclude the Committee on Appropriations from reporting any appropriations for a deficiency in a general appropriation bill. The Chair, therefore, overrules the point of order.

Mr. JONES of Virginia. Mr. Chairman, I desire to be recognized for five minutes in my own right to discuss my motion and also to use the eight minutes which was agreed yesterday afternoon that I should use this morning on this paragraph, consent for which has already been given.

The CHAIRMAN. The gentleman will be recognized for thirteen minutes.

Mr. JONES of Virginia. Mr. Chairman, by an act of Congress approved on the 2d of March, 1899, the Secretary of the Treasury

was directed to sell at either public or private sale, after due advertisement, for a sum not less than \$3,000,000, the old custom-house building in the city of New York. This act provided, among other things, that the proceeds of the sale after the payment of the usual incidental expenses should be deposited in the United States Treasury as miscellaneous receipts derived from the sale of Government property.

It is a matter of common notoriety and of common knowledge that instead of the purchase price of this valuable piece of public property being paid into the Treasury of the United States, according to the letter of the law authorizing the sale, the National City Bank of New York, which became the purchaser on the 3d of July, 1899, at the sum of \$3,265,000, simply notified the Secretary of the Treasury that the United States had been given credit on the books of that bank for \$3,210,000 of the purchase money, it being one of the designated depositories of United States funds. It may surprise some of you to know that as a matter of fact only \$5,000 of the purchase price of this property has ever been actually paid by the National City Bank to the United States.

The United States, as I have said, was simply given credit on the books of the bank for \$3,210,000, there was paid in cash \$5,000, and the residue of \$50,000 was left unpaid, and to this day remains unpaid, to the everlasting reproach of the Secretary of the Treasury, whose duty it was to have collected it long ago.

My first contention, Mr. Chairman, is that this notification to the Secretary of the Treasury that the United States had been credited with the great bulk of this purchase money was not a proper compliance with the statute which authorized that official to sell this property and required him to deposit the proceeds in the Treasury of the United States. But, however that may be, there is one other provision in the act authorizing this sale which I do not believe anybody will contend, here or elsewhere, that the Secretary of the Treasury has even substantially complied with. It is this:

And the Secretary of the Treasury is hereby authorized to accept said purchase price in several payments from time to time, as he may deem most advantageous.

It will not be contended, I presume, that the discretion here given the Secretary of the Treasury was given to him to be exercised in the interest of and for the benefit of the purchaser of the property, and it can not be shown, I assume, that any advantage has accrued or can possibly accrue to the Government by permitting the National City Bank to withhold the payment of this small remnant of the purchase money. It is withheld solely to subserve the purposes and ends of this bank.

It has been due for more than a year and eight months, and the bank is paying the Government interest at the rate of 4 per cent per annum upon it. By depositing this \$50,000 in its own vaults and giving the Government credit on its books for it the bank would be relieved of paying the Government \$2,000 of interest money and still have just the same control over and use of this \$50,000 which it has under the present remarkable arrangement.

Mr. Chairman, there is but one way to account for the failure of the Secretary of the Treasury to enforce the payment of this balance of \$50,000.

The National City Bank is one of the most, if not the most, powerful financial institutions in America. There is no earthly sound reason why it should not be required to pay the small balance due upon this custom-house property, and there is but one reason, and that must be obvious to everybody, why it is not required to do so.

So long as this paltry sum remains unpaid the title must remain in the United States, and so long as the title remains in the United States the National City Bank escapes the payment of taxes justly due to the city of New York and to the State of New York.

Let us see how much the National City Bank gains by this transaction. But I will first say just here that the city comptroller of New York, the Hon. Bird S. Coler, long ago called the attention of the Secretary of the Treasury to this transaction, and that he has protested that the city and State of New York were being victimized and defrauded of taxes, as I am informed, to the amount of at least \$50,000 a year. The present rate of taxation in the city of New York is \$2.24 on the hundred dollars. Last year it was more; it was \$2.48 on \$100, and if we estimate that for the purposes of assessment this property, which sold for \$3,265,000, is only worth at a tax valuation \$2,000,000, then the tax would amount to the sum of \$44,800 a year.

Mr. CANNON. If my friend will allow me right there. My friend is aware that the national bank stock before it is taxed has deducted from it the value of all real estate that it holds.

Mr. JONES of Virginia. Does the gentleman mean to say that if this property had been fully paid for by the National City Bank, and a deed for it had been executed, that the city of New York and the State of New York would not be allowed to tax it?

Mr. CANNON. It would be allowed to tax it, but the State of

New York and the city of New York does get the tax on its equivalent of stock. For instance, suppose the stock was \$10,000,000 and they had \$3,000,000 in this property and the legal title. In assessing it they would deduct the \$3,000,000 real estate from the \$10,000,000 stock, but as they do not have the legal title that deduction is not made. So that the city of New York and the State of New York gets just as much taxes in one case as in the other.

Mr. JONES of Virginia. I would ask the gentleman if it is not true that the bank has already made a deduction on account of the \$3,210,000?

Mr. CANNON. I have caused an inquiry to be made, and my information is that the deduction has not been made and could not be made legally unless it was done unfairly. My information is that the deduction was not made; that the stock was assessed the same as it would be of any bank that did not own any interest in this property whatever; so that the assessment covers the stock.

Mr. JONES of Virginia. Be that as it may—

Mr. RICHARDSON of Tennessee. Is it not true that a national bank can not invest in real estate except in order to collect a debt or for its own banking house; that it can not invest in real estate for the purpose of renting it out?

Mr. CANNON. It can invest in real estate for its own banking house.

Mr. RICHARDSON of Tennessee. So I say, and also when necessary to collect a debt.

Mr. CANNON. Precisely; but they would have the right to deduct in this instance—

Mr. JONES of Virginia. I hope this interruption is not to be taken out of my time.

Mr. RICHARDSON of Tennessee. Allow me just a minute—

The CHAIRMAN. Does the gentleman from Virginia yield?

Mr. JONES of Virginia. With the understanding from the chairman of the committee [Mr. CANNON] that I am to have my time extended.

Mr. CANNON. I will not object to extending the gentleman's time, and I will ask the House not to object. I think he ought to have an extension.

Mr. RICHARDSON of Tennessee. I want to ask the gentleman from Illinois why it was that the bank refused to make this trade until the Secretary of the Treasury agreed to allow a part of the purchase money to remain unpaid, thus enabling the bank to avoid the water tax and the State and city taxes. That appears in one of the letters.

Mr. CANNON. Does my friend want me to answer him? This sale was made by virtue of an act of Congress—

Mr. JONES of Virginia. I have so stated.

Mr. CANNON. The act specially authorized this money to be paid in different payments.

Mr. RICHARDSON of Tennessee. I understand that; but I ask again, Why did the Secretary of the Treasury contract that the Government should still hold the title unless to enable the bank to avoid the taxes?

Mr. JONES of Virginia. That is just the point I am endeavoring to make.

Mr. CANNON. The gentleman from Tennessee does not desire me to answer.

Mr. RICHARDSON of Tennessee. I do.

Mr. JONES of Virginia. In reply to the gentleman from Illinois I have only to say that the determination of the National City Bank to withhold the payment of this money, when it has merely to give the United States credit for it on its books, can be accounted for in no other way than that its purpose is to escape taxation. Neither the gentleman from Illinois nor anyone else has attempted to account for its action upon any other hypothesis. To pay this money is to save \$2,000 in interest and to incur a liability of \$50,000 in taxes, and therefore the bank does not wish to pay it and the Secretary of the Treasury will not exact its payment. But the rate of taxation in New York upon personality and upon realty is not the same. It is much higher on realty, and this is one answer in itself to the argument advanced by the gentleman from Illinois.

Mr. CANNON. My information is that it is about 70 per cent on each.

Several MEMBERS. Oh, no.

Mr. JONES of Virginia. In the city of New York the rate is \$2.24.

Mr. CANNON. I am speaking of the listing of property.

Mr. JONES of Virginia. And I am speaking of the rate of taxation.

Now, Mr. Chairman, as I was about to say when interrupted, if we take the valuation of this property which the bank itself placed upon it when it purchased it—\$3,265,000—the amount of tax that the State of New York and the city of New York are losing annually is \$73,236; and this does not take into consideration at all the water rate which the bank would have to pay upon

the property, as the private owner of every building, whether occupied or not, has to do. I am told by gentlemen from New York familiar with this subject that it is estimated that the city of New York is losing every year the sum of \$50,000 in the way of taxes on this property.

I am informed that the comptroller of the city of New York at the time of the sale protested against the action of the Secretary of the Treasury in leaving this insignificant amount of \$50,000 unpaid; and I want to ask the gentleman from Illinois this question: What reason under heaven can he assign for the action of this bank, which has millions upon millions of surplus capital of its own, and which has on deposit \$15,000,000 of Government funds, what reason can he advance other than that which I have assigned for the refusal of this bank to pay the insignificant balance yet due upon its purchase? If not to avoid just taxation, tell me what the reason is.

Mr. CANNON. In that connection let me ask my friend whether he voted for the act of March 2, 1899, authorizing the sale of this property?

Mr. JONES of Virginia. There was no division had when that bill was before the House. I was not afforded an opportunity to vote either for or against it. I have always been opposed to the building of a new custom-house in the city of New York. The RECORD will so show.

Mr. CANNON. I want to say that the sale of this property was strictly in compliance with that act of Congress.

Mr. JONES of Virginia. I understand perfectly the contention of the gentleman to be that the Secretary of the Treasury had a right to sell this property, and that he was authorized by this act to lease it at a sum not exceeding 4 per cent of the price of the property.

Mr. CANNON. That is correct.

Mr. JONES of Virginia. But that same act provides that the payments shall be made upon terms deemed advantageous to the United States Government by the Secretary of the Treasury, and my complaint is that he has required the payments to be made, or permitted them to be made, in such manner as the bank deemed most advantageous to itself.

I am attempting to demonstrate that the Secretary of the Treasury has not honestly complied with the requirements of this act; and I am trying to show that he knew, or should have known, that the bank had some selfish reason for leaving this insignificant sum unpaid on this property. I am informed, as I have already said, that the comptroller of the city of New York, at the very time of the sale, called the attention of the Secretary of the Treasury to this matter, and protested against the transaction as an injustice and a wrong both to the State and the city of New York.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. JONES of Virginia. I ask that I may have fifteen minutes additional.

Mr. CANNON. I hope that will be granted.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] asks unanimous consent that the gentleman from Virginia [Mr. JONES] be given fifteen minutes additional time. Is there objection?

There was no objection.

Mr. CANNON. That is enough, is it not?

Mr. JONES of Virginia. That is enough.

Mr. RICHARDSON of Tennessee. I want to ask the gentleman from Virginia if he has not now in his possession the letter from this National City Bank to the Secretary of the Treasury in which the bank stipulated that the Secretary of the Treasury would not pass the title, in order that it might avoid the city water tax and the city and State taxes.

Mr. JONES of Virginia. That letter is in the report of the Secretary of the Treasury, made in response to the Senate resolution of inquiry a year ago. I have it here.

Mr. RICHARDSON of Tennessee. It is in one of the letters, and the Secretary of the Treasury replies to his letter, and the gentleman from Illinois has a copy of his reply, in which he says:

I understand the law to be that as long as we hold the title your bank will not be liable for the water tax and the other taxes.

And that was the express object in making the deal.

Mr. JONES of Virginia. I understand that it was a part of the deal between the Secretary of the Treasury and the National City Bank.

Mr. CANNON. The gentleman also understands—because he ought to want, and I think does want, to be fair in this matter—that under this act of Congress the City National Bank was the highest and best bidder. I do not recollect how much the best.

Mr. JONES of Virginia. One hundred and ninety thousand dollars.

Mr. CANNON. One hundred and ninety thousand dollars the best bidder, and that under that law the property could be sold,

as it was sold, upon payments; and if the Secretary of the Treasury had refused that \$190,000 advance and had sold the property to the next highest bidder he would have been really between the devil and the deep sea on the merits instead of being supposed to be between the devil and the deep sea on a technicality.

Mr. JONES of Virginia. I am not now discussing that feature of this transaction.

Mr. CANNON. Well, but I am.

Mr. JONES of Virginia. And I should be glad to have the gentleman discuss that in his own time.

Mr. McCULLOCH. When is this \$50,000 due?

Mr. JONES of Virginia. Nobody knows when it is due. I will say to the gentleman that, in my judgment, it will not be paid for probably ten years from this date unless this House forces a payment.

Mr. McCULLOCH. Why has not this \$50,000 been paid?

Mr. JONES of Virginia. The Secretary of the Treasury has not deigned to say, save and except that these payments are to be made at the option of the purchaser, when the act requires that he must receive the payments on terms most advantageous to the United States Government.

Mr. McCULLOCH. Could this bill be amended so as to direct him to collect this money, or is the contract such that that could not be done?

Mr. JONES of Virginia. I am coming to that. I will say, in reply to the gentleman, that if the House votes down my motion to strike out this whole paragraph I propose to move an amendment requiring the Secretary of the Treasury to deduct from any amount which may be paid the National City Bank on account of rent the \$50,000 which the bank owes the United States Government.

Mr. RICHARDSON of Tennessee. Will my friend yield to me just for a moment?

Mr. GILBERT. Will the gentleman tolerate one interruption?

Mr. JONES of Virginia. I will yield to the gentleman from Tennessee first.

Mr. GILBERT. All right.

Mr. RICHARDSON of Tennessee. Now, Mr. Chairman, I hold in my hand a letter from Mr. James Stillman, president of this National City Bank, dated New York, August 18, 1899, and I will read an extract from it:

We shall make the above payment of \$3,215,000 upon the understanding, of course, that we are not to be liable for any taxes or water rates upon the property so long as you remain in possession and the balance of \$50,000 remains unpaid and the deed is undelivered.

Mr. CANNON. What page is that on?

Mr. RICHARDSON of Tennessee. Page 47 of the report of the Secretary of the Treasury sent in response to the resolution of inquiry of the Senate. On page 50 the Secretary of the Treasury, under date of August 21, three days later, replied to Mr. Stillman, and I will read a few lines from his letter.

As to the taxes and water rates against said property, you are advised that the Department's understanding of this matter is the same as your own, viz. that so long as the title to the property remains vested in the United States you will not be liable for any taxes or water rates.

Respectfully, yours,

L. J. GAGE, Secretary.

Mr. JAMES STILLMAN,
President of the National City Bank of New York, New York, N. Y.

Mr. HILL. May I ask the gentleman a question?

Mr. GILBERT. I should like to ask a question.

Mr. JONES of Virginia. I yield to the gentleman just for a question.

Mr. GILBERT. What I want to know is this: While the municipality of New York and the State of New York were being deprived of their taxes by reason of the Secretary of the Treasury holding up the title to the real estate, was there any difference in the assessments upon the stock of the national bank in consequence of that?

Mr. JONES of Virginia. That is a matter that I can not answer.

Mr. HILL. Do you not know, as a matter of fact, that under the law of the State of New York it does not make one particle of difference to this bank or to the Government whether this title is in the Government or in the bank so far as the question of taxation is concerned?

Mr. JONES of Virginia. No; I do not know any such thing.

Mr. HILL. It does not make one particle of difference.

Mr. LEVY. The gentleman from Connecticut is mistaken in that.

Mr. JONES of Virginia. And I am informed by gentlemen from New York who are familiar with the laws of their State on the subject, and who deal in real estate there, that it is not true.

Mr. HILL. Very well.

Mr. JONES of Virginia. But in order to put that matter absolutely at rest—

Mr. RICHARDSON of Tennessee. The bank admits this.

Mr. JONES of Virginia. In order to set this matter absolutely

at rest, on yesterday I requested my friend, the gentleman from Arkansas [Mr. McRAE], a member of the Committee on Appropriations, to telegraph the Treasury Department for information as to this unpaid \$50,000, and I will now read the telegram received in response to that inquiry:

TREASURY DEPARTMENT,
February 13, 1901.

Hon. THOMAS McRAE:

In reply to your telegram, there remains unpaid of the purchase money for the New York custom-house the sum of \$50,000. This balance, under terms of sale as authorized by the law, bears interest at the rate of 4 per cent, and is payable at the pleasure of the purchaser at any time prior to, but not later than, the date when the new custom-house shall be completed and occupied.

L. J. GAGE, Secretary.

Now, Mr. Chairman, under the contract made by the Secretary of the Treasury, and which I hold was made without authority of law, this bank has a right to withhold the payment of that \$50,000 until this custom-house has been completed. This property was sold a year and two-thirds ago, and yet only within the last thirty days has the contract been awarded for the excavations and foundation. Up to this time no contract has been awarded for the building of the custom-house at all, and the estimate is that it will be ten years before the new building is completed and the Government in a position to occupy it.

Now, within that time how much will this bank have received under this transaction? According to the contract, it is getting \$130,600 a year rental for the building. It has on deposit and under its absolute control \$3,210,000 of the purchase money, which, at 4 per cent interest, produces \$128,400 per annum. It is paying the Government 4 per cent interest upon the balance of \$50,000, or \$2,000. It is saving every year \$50,000 on account of taxes simply as the result of not paying the \$50,000 yet due by it.

The difference between what it is paying upon this \$50,000 in the way of interest and what it is saving in the way of taxes is \$48,000 annually, making a sum total of \$307,000 which the bank is getting, not taking into account at all the interest which it is drawing upon the \$12,000,000 of United States money, exclusive of the \$3,210,000 derived from the proceeds of the sale, which is upon deposit with the bank, and not counting at all the interest which the bank is drawing upon the United States bonds which it has deposited with the United States to secure these deposits. Actually and absolutely by this calculation the bank is making \$307,000 a year out of the Government, which, during the ten years that it is claimed it has a right to let this remain unpaid, will amount to \$3,070,000, or nearly enough to pay the whole purchase price of the property.

Now, I trust there is nobody in this House who believes for a moment that the National City Bank, this great financial institution which is controlled and practically owned by the Standard Oil Company, is not in a position to pay this paltry sum of \$50,000. Only yesterday I read in one of the New York papers that within ten days past the Standard Oil Company had declared another dividend of 20 per cent, making, since the 1st day of March, 1900, 68 per cent of dividends declared by this gigantic monopoly.

Or, in other words, within the short space of one year the Standard Oil Company has paid in dividends \$68,000,000 to its stockholders, one of whom is John D. Rockefeller, the head of the Standard Oil Company and the real and actual head of the National City Bank. And it is stated that of those dividends this great trust magnate has received over \$21,000,000 in this one year. Think of it. About \$55,000 a day, or \$40 for every minute in the whole year! And yet the Secretary of the Treasury permits this great concern to withhold the payment of \$50,000 in order that it may escape for ten years the payment annually of \$50,000 in taxes, which would aggregate half a million dollars in ten years.

I maintain, Mr. Chairman, that by this contract a fraud has been practiced upon the people of the city of New York and of the State of New York, and I insist that if we permit this to continue a day longer the United States Government will be, as the Secretary of the Treasury now is, particeps criminis to this fraud.

Mr. Chairman, as I have said, I hope the committee will strike this paragraph out, on the ground that the Secretary of the Treasury has not complied with the terms of the statute which required him to receive these payments upon terms advantageous to the United States Government; that he has given away, absolutely surrendered, to the National City Bank the discretion which was vested in him for the benefit of the United States by this statute, in permitting the National City Bank to pay for this property as may best suit its pleasure, as he admits in the telegram which I have just read to the House.

Therefore I trust that the committee will strike this paragraph out; but if it refuses to do so, then I desire to give notice that I shall offer an amendment which will require the Secretary of the Treasury, in making payment of this rent, to deduct from that payment the \$50,000 which the City National Bank owes to the United States Government. I trust the House will not by its vote cause the payment of \$371,047.12 to be made to the National City Bank

for rent of a building upon which the bank is owing the Government \$50,000, which it declines and refuses to pay simply because it desires to be permitted to continue to rob the people of the city and State of New York of taxes which in justice it should be made to pay. [Loud applause on the Democratic side.]

Mr. CANNON. Mr. Chairman, I hope in five minutes to say what I desire to say and what it seems to me to be necessary to say upon this matter, in reply to the gentleman from Tennessee, the gentleman from Virginia, and others. It is an exceedingly plain proposition, like all other business propositions, when you divest it of partisanship and the desire to make political capital and declamation against the Standard Oil and other institutions, and all that kind of thing, that seems to me, perhaps, has a place on the stump in a political campaign; but upon a cold proposition of the Government performing its legal obligations upon a general appropriation bill, which is a business bill, it seems to me perhaps that we might omit that kind of matter. But still it is a matter of taste, and I am not inclined to quarrel with gentlemen who see proper to occupy the other position.

Mr. McRAE. Will the gentleman from Illinois, who has been so unkind as to suggest that members on this side wanted to inject a little politics in this discussion, state why the rent for the current year and the last year was not paid. Was it refused for political effect?

Mr. CANNON. I will say to the gentleman that my ear was open to hear him, a valued Representative from the great State of Arkansas, make a motion at the last session of the Congress. I was pained and grieved at the ever-vigilant gentleman. It was not made by him; it was not made by anybody else. Now, the gentleman from Tennessee had abounded in much of that declamation during the last session of Congress and after the last session of Congress. But on that matter, whatever there is of blame is in the past. Now, if that motion is made and the appropriation is made, it is money paid under the law. Now, well, what is the law? The act of March 2, 1899; and I will put it in the RECORD. It is as follows:

[Public—No. 113.]

An act to supplement and amend an act entitled "An act for the erection of a new custom-house in the city of New York, and for other purposes," approved March 3, 1891.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, for customs purposes the premises heretofore selected by the Secretary of the Treasury, under the act of September 14, 1888, as a site for a custom-house building, and known as the Bowling Green site, in the city of New York and State of New York, and the sum of \$750,000 in addition to the balance in the Treasury remaining unexpended under the provisions of the act of Congress approved September 14, 1888, entitled "An act for the erection of an appraiser's warehouse in the city of New York, and for other purposes," is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and made immediately available for such purpose.

SEC. 2. That upon the acquisition of said site the Secretary of the Treasury shall cause to be erected thereon a substantial, commodious, and fireproof building for the purpose of a custom-house, at a cost not to exceed \$3,000,000, exclusive of the cost of the site; and for the preparation of the plans and the commencement of the work the sum of \$1,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and made immediately available for the purpose; and the Secretary of the Treasury is authorized to contract for the completion of said building, including heating and ventilating apparatus, fireproof vaults, elevators, and approaches, complete, within the limit of cost prescribed by law, subject to the appropriations which may hereafter be made by Congress.

SEC. 3. That the Secretary of the Treasury may, in his discretion, invite not less than five architects to compete for the preparation and furnishing of plans, drawings, and specifications, and the local supervision of the construction of said new custom-house building, under the direction and general supervision of the Secretary of the Treasury.

SEC. 4. That the Secretary of the Treasury is hereby authorized and directed to sell at public or private sale, to the highest bidder, after due advertisement, but for not less than \$3,000,000, the present custom-house property in the city of New York, bounded by Wall, William, and Hanover streets and Exchange place, and to deposit the proceeds of the sale, after payment of the usual incidental expenses, in the United States Treasury as miscellaneous receipts derived from the sale of Government property; and in case of such sale the Secretary of the Treasury shall lease said premises from the purchaser or purchasers thereof, at a rental which shall not exceed 4 per centum per annum on the purchase price, for use as a custom-house until the new custom-house shall be ready for occupancy, upon such terms as he may deem advantageous, and such sale shall be subject to such right of lease; and the Secretary of the Treasury is hereby authorized to accept the said purchase price in several payments, from time to time, as he may deem most advantageous: *Provided, however,* That the use, occupation, and possession of said property shall not be surrendered until the new custom-house is ready for occupation and final payment is fully made.

SEC. 5. That the appropriation of \$750,000, made in section 1 of this act, in addition to the balance in the Treasury remaining unexpended under the provisions of the act of Congress approved September 14, 1888, for the acquisition of the Bowling Green site, and the further sum of \$1,000,000 for the preparation of plans and the commencement of the work of construction, appropriated in section 2 of this act, shall be reimbursed out of the proceeds of the sale of the present custom-house property, provided for in section 4 of this act, when such proceeds have been covered into the Treasury.

SEC. 6. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved, March 2, 1899.

Under that act the Secretary of the Treasury was authorized to sell this old custom-house. We are building a new one over there. It was exceedingly valuable property, and it was to be sold at not

less than \$3,000,000—more, if he could get it; and he was authorized to sell it upon payments of 4 per cent interest. If Congress had authorized the building of a new custom-house and the old custom-house was occupied by the United States Government, Congress was desirous that the property should be sold in the old custom-house, so that the Government could be rid of that property while we were acquiring the other. Therefore we authorized the sale. Now, the Secretary of the Treasury, strictly within the authority given him by Congress, made this sale, and the City National Bank was \$190,000 the best bidder that bid.

It was the duty of the Secretary of the Treasury to sell it upon that bid; and if he had sold it to somebody else for less money he would have been subject to impeachment and could have been attacked upon the merits rather than attacked without merit, as he is now by my friend from Tennessee and others. The sale was made under the law, and under the law the United States now occupies that property at a rental of 4 per cent interest on the money that the property was sold for, and this appropriation as we propose it is to pay what the law provided the United States should pay to the purchaser of this property, namely a rental of 4 per cent a year on \$3,190,000. Under the law we owe that amount; under the law the City National Bank can sue the Government and recover that amount, and there you are. I propose for one to treat this institution—that has a legal demand under the law which we passed and under the contract voiced by that law—just as well as I would any other corporation, just as well as I would the poorest individual on earth, just as I would the richest individual on earth.

It matters not whether a citizen of the United States or a creditor of the United States is rich or poor, whether worn and lame, halt or blind, white or black, he is entitled from the Government legally to the money that is due. [Applause.] In my judgment the creditor of the United States is entitled to his money without being abused about it by members of Congress on the floor and off the floor; but that is a mere matter of taste and judgment, and I do not care about it being with the abuse and I do not care about it without it. Now, I have not much love for the City National Bank. I have not any stock in it—I wish I had—and I have not much love for the Standard Oil Company. I do not know whether it is connected with this bank or not, and I do not care, for the purpose of this appropriation, whether it has or not. But under my duty as a Representative to see that the United States keeps its contracts and pays its creditors, rich or poor, without favoritism, it is my duty to vote for this sum, and in pursuance of that duty I propose to do it. Now, that is all there is of this case.

Mr. JONES of Virginia. Will the gentleman allow me? I want to know if what the gentleman has stated about this act of Congress—about this contract—was not all just as true when the sundry civil bill was framed last year as it is now and if the Secretary of the Treasury then did not estimate for these very sums and if the gentleman, the chairman of the Committee on Appropriations, did not strike it out of the last bill?

Mr. CANNON. I think it is not reported in the last bill.

Mr. JONES of Virginia. And it was just as true then as it is now?

Mr. CANNON. It was just as true then as it is now, and I want to emphasize that fact. But does the action of the chairman of the Committee on Appropriations or the action of the gentleman from Virginia or the gentleman from Arkansas or the gentleman from Tennessee, in our individual capacities, in the performance or nonperformance of our duty, settle the rights of citizens of the United States? If so, God save the citizens of the United States. [Laughter.]

Mr. RICHARDSON of Tennessee. Does the gentleman think it is right for the Government to pay interest upon this \$50,000—

Mr. CANNON. Yes.

Mr. RICHARDSON of Tennessee (continuing). Year by year and continue to do so under the circumstances, when this bank has fifteen millions of our money on deposit?

Mr. CANNON. Yes.

Mr. RICHARDSON of Tennessee. And does he think that we ought to continue to pay interest on the \$50,000?

Mr. CANNON. Yes; in the broadest possible way.

Mr. RICHARDSON of Tennessee. I want the gentleman to tell us why the bank does not pay the \$50,000.

Mr. CANNON. I am going to answer the gentleman's question, because I am down to business and the gentleman is playing to the galleries.

Mr. RICHARDSON of Tennessee. Oh, no.

Mr. CANNON. That is the difference between us.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. McRAE. I ask that the gentleman be allowed to proceed without limit.

Mr. CANNON. Oh, no; I want just a little additional time.

Mr. JONES of Virginia. Mr. Chairman—

Mr. CANNON. Oh, I can be so happy with all, but I want first

to be happy with the gentleman from Tennessee, and then I will be glad to yield to my friend from Virginia. I want to answer his question first.

Mr. RICHARDSON of Tennessee. We do not pay interest on claims usually at all. Now we are paying interest on this by choice.

Mr. CANNON. I want to answer this question first. We are not paying interest on this claim as a matter of favor; we are not paying any interest on the rent that was due eighteen months ago or twelve months ago. But the City National Bank has a contract with the United States, namely, that the United States shall pay the equivalent of 4 per cent interest by the way of rent for the occupancy of the old custom-house building as long as the United States occupies it. That is the law; that is the contract. Now, then, the City National Bank has paid all but \$50,000 of the \$3,190,000, and the City National Bank has, under that contract to pay 4 per cent interest, the option to pay that at any time before the United States vacates the old custom-house at its option. That was a legal option authorized under the law, and they can be compelled to pay that amount when the United States vacates the old custom-house, and not before.

Now, there is the whole question. Now, my friend seeks to muddy the water by saying, "Did not the City National Bank have large deposits of United States money?" Yes; and so did other national banks then and since that time—to-day way over \$100,000,000. Under our law, wherever a national bank qualifies itself as a United States depository, depositing bonds of the United States dollar for dollar, it becomes a part of the Treasury of the United States for that purpose. So that in times past, under all Administrations, for the convenience of the United States, these depositories have had these deposits, and the City National Bank is exactly upon all fours with the other national banks that qualify themselves as depositories.

Mr. SMITH of Kentucky. Before the gentleman sits down I want to ask him a question.

Mr. CANNON. I will yield to the gentleman.

Mr. JONES of Virginia. But the gentleman promised to yield to me.

Mr. CANNON. Very well, I will yield to the gentleman from Virginia and then to the gentleman from Kentucky and then stop.

Mr. JONES of Virginia. The gentleman asks if I did not quote from the act which provided for the sale of the property. I want to ask the gentleman why it was, if he knew anything about the act authorizing the advertising and sale of this building and its rental by the Government when it was apparent to everybody that we needed offices for our officials in New York—why it was sold ten years ahead of the time when the new building would be completed? Why was the property authorized to be sold so early?

Mr. CANNON. That is not involved in this discussion, although—

Mr. JONES of Virginia. The gentleman asked me whether I voted for that act.

Mr. CANNON. I do not know whether the gentleman did or did not. I do not know whether I did or did not.

Mr. JONES of Virginia. There was no vote had.

Mr. CANNON. The act had to get votes in order to be passed. But I have no doubt that Congress, when it contemplated spending a large amount of money on a new custom-house upon a new site in the city of New York, believed it to be good policy to get rid of the old site at an upset price of \$3,000,000, and more if they could get it. That is what has happened. Now I will answer the question of my friend from Kentucky.

Mr. SMITH of Kentucky. The gentleman from Illinois spoke of national depositories. I wish to know whether he calls to mind any other national depository, and, if so, how many, in which the Government deposits have averaged as much as they have in the New York City National Bank for the last three years?

Mr. CANNON. I do not recollect about that, nor does it make any difference about it. As I understand, the City National Bank of New York was what is called the distributing bank. Under the laws of trade and by reason of the large collections of revenue in the city of New York, much of the money belonging to the United States was primarily deposited in that bank, and then on the order of the Secretary of the Treasury sent to different depository banks throughout the country. I understand that is the way business is done.

Now, I wish from the bottom of my heart, with all the power that I have to wish it, that we had a financial system under which every dollar of money belonging to the United States and placed upon deposit would be deposited in national depositories, where the security of national bonds, dollar for dollar, would be furnished, instead of locking the money up in the subtreasuries. But I will not enter upon the discussion of that question. It was discussed before I was born.

Before taking my seat, I will make this single statement: There

is the law, there is the contract, there is the money due; and for one I am in favor of the United States keeping its contract.

Mr. BURKE of Texas. Will my friend from Illinois answer one question?

Mr. CANNON. If I can, I will.

Mr. BURKE of Texas. Does not the gentleman believe that the withholding of the \$50,000 payment upon this property was done by the bank and the Secretary of the Treasury upon the express determination and understanding that thereby the payment of the taxes due the city and State of New York should be avoided?

Mr. CANNON. In reply to the gentleman I will say that, as I understand, the law we passed authorized the sale of this property upon installment payments, and that under the law these parties who bought the property stipulated when they undertook to pay \$190,000 more than anybody else offered that the payment of the purchase money should be extended. Now, then—

Mr. BURKE of Texas. Let me ask the gentleman one more question.

Mr. CANNON. Let me first answer this one.

As to what was in the mind of the bank officers when purchasing this property, I do not know and do not care. As to what was in the mind of the Secretary of the Treasury, I do not believe for a moment and never shall believe that there was a corrupt idea in his mind.

Now, one word further. The gentleman assumed that the City National Bank does not pay taxes. As I understand the law and the facts, after inquiring, the case is this: The City National Bank, we assume, has \$10,000,000 capital. Under the law of New York that ten millions of capital is listed for taxation at about 70 per cent, along with other property, and the investment of \$3,000,000 in this old custom-house was not deducted from the value of the stock as listed. I understand further that if the legal title had passed to the bank, then the legal value of this property would have been deducted from the stocks. That is my understanding after inquiry. So that after all, the gentleman, in the light of the cold facts, simply muddies the waters and plays to the galleries; and that I do not care to do or try to do.

Mr. BURKE of Texas. The gentleman is always so kind I would like to ask him one more question.

Mr. CANNON. Certainly.

Mr. BURKE of Texas. If the idea suggested by my last question is not true, why does the writing say, why do these letters say, why does the Secretary of the Treasury declare, why does the bank declare, its knowledge of the fact that by retaining the \$50,000 it will escape State and municipal taxation?

A MEMBER. And water tax.

Mr. BURKE of Texas. One other question and I will not weary my friend again. If that is true, I want to ask the distinguished chairman of the Appropriations Committee whether he indorses such a course.

Mr. CANNON. Now, Mr. Chairman, we have in this world quite enough of the actual to answer for without going off into the domain of the speculative. What is the actual act of Congress? I will read two lines:

And the Secretary of the Treasury is hereby authorized to accept the said purchase price in several payments, from time to time, as he may deem most advantageous.

Now, the contract was made. The property was sold to the highest and best bidder. All the purchase money—over \$3,000,000—was paid, except \$50,000, and under the law the payment was made and provided for as the law enacted. If there be hardship or mistake, which I do not admit, or declaim about upon either side, it was a mistake of Congress.

Mr. SMITH of Kentucky. Did that act fix any date when the property should be sold—any limit?

Mr. CANNON. No.

Mr. SNODGRASS rose.

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Tennessee?

Mr. CANNON. I think I would rather yield the floor. Does my friend desire to ask a question?

Mr. SNODGRASS. I desire to ask, in your opinion, if this amount is stricken out and the bank relegated to the necessity of suing in the Court of Claims for this money, and it should be determined that the object of this deferred payment was to evade the payment of taxes in New York, would not the Government be entirely justified in repudiating this contract?

Mr. CANNON. Oh, I am not for repudiation in a Presidential platform by a free silver, or fiat money, or directly. Here is the contract that was made. Now, I am for standing by that contract, and not for repudiation in any way, shape, or form, under party necessity or otherwise.

Mr. GAINES. Did not the gentleman repudiate free silver?

Mr. CANNON. Well, the country did. [Laughter.]

Mr. HOPKINS and Mr. COCHRAN of Missouri rose.

The CHAIRMAN. The gentleman from Illinois [Mr. HOPKINS] is recognized.

Mr. HOPKINS. Mr. Chairman, I ask unanimous consent to be permitted to proceed for twenty minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to be permitted to proceed for twenty minutes. Is there objection?

There was no objection.

Mr. HOPKINS. Mr. Chairman, this question that was raised yesterday by the distinguished leader of the Democratic party on this floor [Mr. RICHARDSON of Tennessee] is not a new one. It was presented by the members of that party to this House at a former session of Congress, and was fully explained by members and by the Secretary of the Treasury to the complete satisfaction of every unprejudiced mind.

Mr. FINLEY. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from South Carolina?

Mr. HOPKINS. I can not yield now.

The CHAIRMAN. The gentleman declines to yield.

Mr. HOPKINS. The gentleman from Tennessee [Mr. RICHARDSON] yesterday, who was followed to-day by the gentleman from Virginia [Mr. JONES], assumed two propositions that they contend are not defensible. One is that in the sale of this custom-house property the Government of the United States has in some manner been injured or overreached, and, secondly, that the city and State of New York have been injured in the matter of the collection of taxes.

Now, I propose to call the attention of the gentleman from Virginia to the question as to whether the city or State of New York has been injured at all by the sale of this property. I contend that they have not, and in order to demonstrate that it is necessary for us to look at the situation as it existed before the sale of this property.

The title to the custom-house was in the United States, and the property was exempt from all taxation, either city or State. The National City Bank of New York was paying taxes to the city and State upon its capital stock and surplus. Now, I want to ask the gentleman from Virginia if the city and State do not assess and collect taxes upon the capital stock and surplus of that bank precisely as they did before the sale, and if the city and State of New York do not collect as much in taxes out of the National City Bank as they did before the Government of the United States entered into this contract?

Mr. JONES of Virginia. If the gentleman asks me that question I will simply say that the Hon. Bird S. Coler, the comptroller of the city of New York, protested against leaving this \$50,000 balance unpaid, because, he alleged, that it was a great injustice to the city and State of New York.

Mr. HOPKINS. Well, now, I will say to the gentleman that Mr. Coler has suggested many propositions that are not defensible, and Mr. Coler, at the time that the purchase was made, if there had been no sale, could not have had any taxes assessed against the property of the United States but could assess taxes against the capital stock and surplus of the National City Bank.

Mr. JONES of Virginia. I will answer that statement.

Mr. HOPKINS. One moment; I can not be interrupted now. I affirm, again, Mr. Chairman, that the National City Bank of New York is paying the same amount of taxes now that it would have paid had no contract been made. Then the city of New York and the State of New York are not injured because of the sale, if all the conditions, so far as taxation is concerned, are left precisely as they were before the sale was made.

Now, I hold in my hand a statement which shows that at the time this contract was made the capital stock of the National City Bank was \$1,000,000, and that its surplus amounted to four and a half million dollars in round numbers. Its aggregate capital, therefore, was five and a half million dollars. In order to demonstrate that this bank is paying as much as its sister banks in New York and that it has not evaded or attempted to evade any provisions of the law of that State, I want to call the gentleman's attention to the capitalization of the First National Bank of New York, which on the 1st day of January, 1900, was \$500,000, with a surplus of seven and one-half million dollars, making substantially a capitalization of \$8,000,000.

Now, if the National City Bank on its capitalization pays at the same rate that the First National Bank does, then under this contract it is not possible that the city and State have been injured by the Secretary of the Treasury or by Congress in authorizing the sale of the old custom-house in New York. The records of New York City show that the First National Bank paid on its capital and surplus of \$8,000,000 taxes amounting to \$83,648.65 and on real estate a sum sufficient to make the total of \$99,382.62.

The National City Bank on its capital and surplus paid a tax of \$75,952.36 and on its real estate \$10,676.62, or a total of \$86,628.98. Or, taking all, the First National Bank paid taxes equal to \$1.24 on each \$100 of its capital and surplus of \$8,000,000, and at the same time, under the same tax laws, the National City Bank paid equal to \$1.57 on each \$100 of its capital and surplus of \$5,500,000.

Mr. Chairman, this is as broad as it is long. If the deed had been given to the custom-house property and the money had been paid over there would have been that much less assessed on the capital stock of the National City Bank, and the custom-house property would have been assessed as real estate. But until the title passes, this amount of three million and some odd hundred thousand dollars that has been paid already by the National City Bank to the Government of the United States for this property is held as assessable property against the National City Bank, and will be so held until the deeds are passed and a different arrangement is made as to the assessment of the property.

Mr. LOVERING. Will the gentleman yield?

Mr. HOPKINS. Yes.

Mr. LOVERING. The gentleman says the State received a tax on the capital and surplus. Did not that also include the tax on real estate?

Mr. HOPKINS. Yes.

Mr. LOVERING. And is it not the custom in New York to deduct afterwards from that the tax which has been paid on real estate?

Mr. HOPKINS. There was only \$10,000 of real estate tax. Yes; I will say that in the State of New York the law is, that if the assessment was made against the \$5,500,000 and it should turn out that a part of that was in real estate—the law governing that in the State of New York is as follows:

Section 24 of the act of 1896, as amended by the act of May 27, 1896, reads as follows:

In making such assessment—

That is, the assessment against the capital and surplus of a national bank—

there shall also be deducted from the value of such shares a sum which bears the same proportion to such value as the assessed value of the real property of such bank or banking association bears to the capital stock thereof. This is not to be construed as an exemption of the real estate of the banks or banking associations from taxes.

Mr. HENRY of Connecticut. That same law prevails in a number of States.

Mr. HOPKINS. I am aware of that fact. I cite this simply to show that the National City Bank of the city of New York does not escape any of its just taxation by reason of this contract.

Mr. RICHARDSON of Tennessee rose.

Mr. HOPKINS. One moment. I can not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. RICHARDSON of Tennessee. I simply want to understand this matter. Do I understand the gentleman to contend that the value of this custom-house property has been taxed as personal property of that bank?

Mr. HOPKINS. Nothing of the kind. That property has not been taxed, never has been taxed, and never will be taxed until the title to that property passes from the United States Government.

Mr. RICHARDSON of Tennessee. Then you say it has not been taxed at all?

Mr. HOPKINS. It has not been taxed, but the three million and odd hundred thousand dollars that the National City Bank has agreed to pay to the Government for the property has been taxed, so that that bank is paying the same rate of taxation on its capital and surplus that every other national bank in the city of New York is paying, and will continue to pay on its capitalization as long as the bank exists and this condition of affairs continues.

Mr. FITZGERALD of New York. Will the gentleman yield to me?

Mr. SMITH of Kentucky. Will the gentleman yield to me?

Mr. HOPKINS. I can not yield at this time.

The CHAIRMAN. The gentleman declines to yield.

Mr. HOPKINS. I have said it is not necessary in the sale of property by the United States to see what effect such sale will have on the taxing laws of a city or State. That is a matter of little moment. The Secretary of the Treasury, in the sale of Government property, should look to the interest of the United States, and not to the interest of the municipality in which the property may be located. But, as I have said, in this instance it is perfectly apparent that no advantage has been obtained by the City National Bank by reason of the purchase of this property.

Mr. FITZGERALD of New York. Will the gentleman allow me to correct him?

Mr. HOPKINS. I can not yield, Mr. Chairman. Has the United States Government been injured in the least? I say no; and I say that any man who is familiar with the law governing such transaction knows that the Government of the United States has not been injured. Has the Secretary made a contract that is not in accordance with correct business principles? No. Every act of his is in accordance not only with law, but is in accordance with good business principles.

Now, Mr. Chairman, gentlemen must not forget in passing upon this question that the Secretary was acting under law. A law that prescribed certain limitations in his action in selling this property. What were those limitations? I desire the careful

attention of my colleagues on the other side of the Chamber as to the law under which this sale was made:

The Secretary of the Treasury is hereby authorized and directed—

He had no discretion; he was directed—

to sell at public or private sale, to the highest bidder, after due advertisement, but for not less than \$3,000,000, the present custom-house property in the city of New York, bounded, etc.

Then the law provided that in the sale provision should be made that the property should remain in the possession and under the control of the United States, under a rent not to exceed 4 per cent per annum on the purchase price of the property; and the law closes with this provision.

Mr. FLEMING. Until the title was settled.

Mr. HOPKINS. I will come to that:

Provided, however, That the use, occupation, and possession of said property shall not be surrendered until the new custom-house is ready for occupation and final payment is made.

Now, it is apparent that the purchaser of this property was advised in advance that, instead of getting control and occupation of the property, he could not get that until the new custom-house was completed; and he was also advised under the law that if he purchased the property from the Government of the United States he would be compelled to rent it at a rental not to exceed 4 per cent per annum on the purchase price. So that he was advised that he could not handle this property as he could handle it if he took it from a private owner. He could not rent it at 6, 8, or 12 per cent on the purchase price. He was limited to 4 per cent on the amount of money he paid for it.

Now, I want to ask, is there a gentleman on that side of the Chamber that is a judge of a business proposition that would take legal title to a property subject to conditions where he was limited in the contract to rent at 4 per cent per annum on the purchase price and could not get possession of it until the seller should see fit to vacate it? This time might be two or ten years, to suit the convenience of the Government.

Mr. Chairman, the purchaser of this property took that fact into consideration in determining whether it would take the legal title of the property and pay the entire purchase amount or reserve a part of the purchase price until it could get the possession of the property. That is the reason a part of this money was kept back, because if the National City Bank could have made a cash sale and taken the legal title to the property at the time, instead of being limited to 4 per cent annual rental on the purchase price of this property, it could have rented it at 8 or 10 per cent and made twice the profit it is making under this contract.

Now, in making the sale has the Secretary of the Treasury acted otherwise than as a fair-minded, good business man? What did he do? I want to call attention of gentlemen, my Democratic friends, to what he did. When he saw the directions of this law to sell this property, instead of making a private sale he advertised in eleven of the leading newspapers of the city of New York. Eleven of the leading newspapers! So that everybody who was interested in the purchase of this property could be advised that the Government of the United States proposed to sell it under the terms and conditions set out in the law to which I have referred.

Mr. FLEMING. Now, will the gentleman allow a question there?

Mr. HOPKINS. I will yield.

Mr. FLEMING. In those advertisements to which you refer, being published in the different papers, was it specified that the title was to remain in the United States and \$50,000 might be held?

Mr. HOPKINS. Why, Mr. Chairman, that question is an absurdity, because the terms and conditions are set out in the law.

Mr. FLEMING. That goes right to the very core.

Mr. HOPKINS. The law, I say, was open to every citizen of the United States.

Mr. FLEMING. Will the gentleman yield to another question?

Mr. HOPKINS. I will make my statement and the gentleman can make his. Now, after advertising in this open way I have suggested, what did the Secretary of the Treasury receive? He received three bids for the property. One was from the National City Bank of New York, through its president, offering \$3,265,000; the next was the New York Realty Bond, Exchange and Trust Company, through its president, offering \$3,075,000, and the next was the Farmers' Loan and Trust Company, through its president, offering \$3,065,000.

Mr. SMITH of Kentucky. Will the gentleman allow me?

Mr. HOPKINS. No; I can not yield now. There were the three bids. Now, does the Secretary of the Treasury take the lowest bid or the second lowest bid? Not at all. He took \$210,000 more than the lowest bid and \$190,000 above the other. That is what he did. So that it appears that he sold the property for the highest figure that was offered for it by any of the persons or corporations or interests in New York who had been advised that he was not only authorized but was directed by Congress to sell it. Gentlemen make no point, of course, that this property was sold

below its value. It is apparent from the bids here that the Secretary sold the property at its very highest and best figures.

Mr. CHAIRMAN, I want to know, when this contract was made for \$3,265,000, how the Government could be injured? I repeat, can any gentleman demonstrate how the Government of the United States could be injured if the Secretary sold the property to the highest bidder? No man can rise and demonstrate that the Government is out a cent. No man can rise and honestly say that this property has not been sold for its full value.

Now, what do they claim? They claim, Mr. CHAIRMAN, that this money was placed with this City National Bank as a depository instead of the Treasury of the United States. Is there anything wrong in that from a legal standpoint? Can any man say that the Secretary of the Treasury in law was not fully justified in his act? If there is such a man, I would like to see him. I would like to know if there is any man in this House who has so little knowledge of the law as to contend here that the Secretary, in making this sale and receiving the deposits in the manner that has already been indicated, violated the letter or the spirit of the law?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. HOPKINS. I would like ten minutes more time.

Mr. FITZGERALD of New York. I object.

Mr. SMITH of Kentucky. I object, Mr. CHAIRMAN, unless the gentleman answers questions.

Mr. HOPKINS. If I can have plenty of time, I will answer all the questions gentlemen may see fit to put. I only wanted to make a connected statement when I refused to yield to the gentleman. I ask that I be permitted to conclude my remarks, and then I will yield to the gentleman from Kentucky or the gentleman from New York.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that he may have permission to conclude his remarks. Is there objection?

Mr. FITZGERALD of New York. I object. The gentleman refused to answer a question at a particular part of his remarks where it would throw some light on the truth.

Mr. HOPKINS. Yes; but it would have interrupted the continuity of my thought.

Mr. FITZGERALD of New York. But it would have made your statement correct and not incorrect.

The CHAIRMAN. Objection is made by the gentleman from New York.

Mr. COCHRAN of Missouri. Mr. CHAIRMAN, I ask unanimous consent that I may proceed for ten minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that he may proceed for ten minutes.

Mr. CANNON. I hope that will be granted, and the same liberality granted to this side of the House.

Mr. COCHRAN of Missouri. Mr. CHAIRMAN, this is not the first time—

Mr. CANNON. I will ask my friend from Missouri if he will not yield to my colleague?

Mr. COCHRAN of Missouri. I did not interpose any objection.

Mr. SMITH of Kentucky. I withdrew any objection I had when the gentleman agreed to answer questions.

Mr. COCHRAN of Missouri. Mr. CHAIRMAN, I do not want this to come out of my time.

The CHAIRMAN. The gentleman from Missouri declines to be interrupted.

Mr. COCHRAN of Missouri. Mr. CHAIRMAN, this is not the first time we have had under consideration in this Chamber the relations of the Treasury Department to the City National Bank of New York. It is not the first time that it has transpired in the course of debate that the relations existing between our Treasury and this bank are such as not to be entirely unprofitable to that great financial institution.

When, on a former occasion, we had this subject under consideration, certain correspondence that had taken place between our Secretary of the Treasury and Mr. Stillman, the manager of this Standard Oil Bank, was unearthed. This correspondence disclosed the fact that in urging the Secretary of the Treasury to make extremely large deposits in the City National Bank Mr. Stillman told the Secretary of the Treasury that by inquiry he would find that the Standard Oil people had been liberal contributors to the Republican campaign fund. We do not know how much or how little this suggestion had to do with the result of the negotiation then pending; but we do know that the large deposits solicited were placed in that bank by the Secretary of the Treasury, and it has been said on the floor to-day that at this time \$15,000,000 of Government funds are on deposit in the City National Bank, for which the bank pays not one cent of interest.

So, as I have said before, this is not the first time we have had under consideration matters involving transactions immensely profitable to Mr. Rockefeller's bank. Now, I propose not to discuss the statute under which the Secretary of the Treasury pro-

ceeded in disposing of this public property. I take it for granted that nobody on this floor doubts the great ability of the Secretary of the Treasury. In my opinion, as to his capacity as a financier, banker, and man of affairs, this continent has not produced his superior and has seldom produced his equal.

Therefore I think the details of this transaction from beginning to end—from the date the purchase was made until it shall be finally consummated by investing the purchaser with the legal title—were clearly impressed upon the mind of the Secretary of the Treasury by a mere casual glance at the terms of the contract under which Mr. Rockefeller's bank bought this Government property. If this be correct, then in the end the purchaser will pay for the property not exceeding a million dollars, and Mr. Gage closed the deal fully aware of this fact. It is true the purchase price agreed upon was \$3,365,000, but it is also true that no money changed hands. This bank had in its vaults funds when the trade was made, Government deposits, vastly in excess of the purchase price.

The payment of three million and odd hundred thousand dollars to the United States, apparent upon the surface of the transaction, was a fiction. The purchase money was left in the bank, which has had and will have, until the completion of the new custom-house, the use of it. At the time the bargain was entered into the purchaser and the Secretary of the Treasury knew that by the purchase of the property the available funds of the bank would not be reduced one penny. They knew that for a period of ten years the bank would have the use of the money, and under the contract would receive an enormous annual rental for the use of the property. The \$3,365,000 was to remain in the bank, subject to the call of the borrowers, and as to the Government, it was to pay rent for property of which it remains the legal owner.

It seems quite apparent that this arrangement is to continue to the end of the transaction; so that when the deal is finally consummated the bank will have received exceeding \$1,300,000 for rent, and the Government, by making the deal in such form as to retain the legal title, enables Mr. Rockefeller's bank to escape, annually, for ten years, \$50,000 in taxes. Retaining the purchase price and receiving, say, 4 per cent from those who borrow it from the bank, will enable the purchaser to lay by exceeding \$1,300,000. So, Mr. CHAIRMAN, when the end is reached, the bank will be called upon to pay about \$200,000, in addition to the sums insuring to its benefit, under this contract.

Omitting the interest on the purchase price—although it seems to me it should be included in the estimate—is it not quite plain that when the Secretary of the Treasury entered into this contract he knew that the profits of this deal, which are to inure to the bank prior to its final consummation—\$1,300,000 for rent and \$500,000 in taxes inured to the purchaser by the retention of the legal title in the United States—would reduce the actual cost of the property to less than \$1,500,000?

I have said nothing about the fact that in the beginning the City National Bank, by depositing interest-bearing bonds, received from the Treasury, free of cost, many millions more than enough to make the purchase; so that, starting with this deposit of bonds in the Treasury, the bank obtains the money with which to buy this property. After the purchase, as before, it has the use of the money and also receives rent for the building. There, then, is the transaction in its entirety. This bank is to receive in ten years interest at, say, 4 per cent, on the bonds, about \$1,300,000; rent, \$1,300,000, and is to escape just taxation amounting to \$500,000.

Now, were other bidders or possible bidders aware that so good a bargain could be driven as that? Was it generally understood among men of sufficient means to purchase this property that an arrangement could be made by which they could deposit in Washington a little over three million dollars' worth of bonds and have the use of an equal sum of public money, which they could draw and check upon with the understanding that the money would be immediately redeposited, so that they would not part with a dollar in cash or be under any disability except the deposit of \$3,000,000 worth of bonds; that this condition would exist for ten years, during which they would get 4 per cent on their bonds and 4 per cent on the purchase price as rent; and that, furthermore, after becoming the sole owners of the property, the Secretary of the Treasury would make the United States a party to a contract by which the State and municipality in which the property is situated could not collect a dollar of tax upon it? I do not believe this was intended when the law authorizing this sale was passed, or that bids were invited with the understanding that the purchaser would be guaranteed a "snap" so desirable. I do not believe the transaction represents the shrewdest and best bargain of which the Secretary of the Treasury is capable.

I do not believe it was generally understood by persons able to be purchasers of property of this kind that the successful bidder would be enabled to make out of the deal nearly enough money to pay for the property before being required to part with a single dollar of the purchase price. I do not believe it, as a business

transaction, would commend itself to any business men of sound judgment. I believe the Secretary of the Treasury knew, when he entered into this contract, that he was giving Mr. Rockefeller's bank what shrewd traders call "a soft snap."

The gentleman from Illinois [Mr. HOPKINS] wanted to see some man who could stand here and say so and so in opposition to this appropriation. I fear the gentleman will never see the day when more than one man, willing to stand here and defend shady transactions like this one, can not be found—transactions which, were the unfaithful agents guilty of them the employees of a private corporation, such as the City National Bank, instead of trusted servants of the people, would insure their discharge.

I have no doubt the City National Bank is well conducted. It looks after the interests of its stockholders. I blame no gentleman connected with it for the purchase of this property under a contract so generous as to make accruing profits foot the bill before the completion of the deal. We have a gentleman at the head of the Treasury Department equal to any gentleman in sagacity and experience connected with that bank. I do blame him for not reporting to this body a transaction reflecting his highest ability and commending itself to our common sense for approval. I do not believe that gentlemen should feel called upon to stand here and defend a transaction like the one under consideration. I do not believe that a party question is involved.

In my opinion, a really scurvy feature of this deal is the feature by which the Government helps Mr. Rockefeller's bank to dodge the taxes on this property. The tax-dodging millionaire is not uncommon, but ought the United States to give to a private banking institution the benefit of an exemption founded in public policy, an exemption accorded to sovereignty? Ought the Secretary of the Treasury to farm out the exemption of the United States from State and municipal taxation to his banker friends? He knows, we all know, that the exemption of this property from taxation rests upon a bare technicality.

The legal title is in the United States, to be sure, but where is the real title? Where is the equitable title? Where is the ownership? The United States pays rent to the real owner. The United States is only a tenant. The property belongs to the bank.

By a mere fiction, invented, I doubt not, after full consultation between the Secretary of the Treasury and the purchaser, a shrewd banker's bargain was made and some money was made for a great corporation.

[Here the hammer fell.]

Mr. HOPKINS. I move to strike out the last word. When I was interrupted by the gentleman from New York [Mr. FITZGERALD] I was calling the attention of the members of the House to the fact that the Government of the United States is not out a cent by reason of this transaction and that the Secretary of the Treasury secured \$190,000 from this National City Bank more than he could have secured from any other bidder. So that the Government is protected, and has made that amount of money over the amount that it would have received from any of the other bidders.

Now, gentlemen say that this bank is a Government depository and that the money was left there. I want to say to the gentleman that this bank was made a Government depository not by the present Administration, not by the present Secretary of the Treasury, but under the late Democratic Administration. In 1894 it was selected for that purpose in order to subserve the interests of the Government, and when the present Administration came into power, finding that bank had transacted its business with the Government and with the people in a manner that was entirely satisfactory, it was continued as a Government depository.

Now, this idea of distributing the money of the Government of the United States in different banks is not a new one. In the Democratic days of 1846 that policy was inaugurated for the benefit of the trade and commerce of the country, and it has been followed from that time to this. When the present Administration came into power there were 159 national banks in the United States that had Government funds on deposit and were designated as Government depositories. Under the discretion that is given to the Secretary of the Treasury, that number has been increased so that on the 1st of January, 1900, there were 319.

Mr. GAINES. Mr. Chairman—

Mr. HOPKINS. I can not yield. I have only five minutes. Mr. Chairman, is there anybody who knows anything about finance and trade who will say that putting money into the banks instead of into the subtreasury or the Treasury is not a benefit to the United States and is not a benefit to trade and commerce? Everybody knows that in Democratic Administrations as well as Republican Administrations these banks are designated as Government depositories for the benefit of the people of the United States. If gentlemen say that this National City Bank has been made a favorite by the present Administration, I deny it. I claim, Mr. Chairman, that it has been treated as other banks, and only as other banks have been treated, and that its agency has been of absolute benefit to the Government of the United States.

Now, the gentleman from Tennessee [Mr. RICHARDSON] yesterday saw fit to read the letter of Mr. Hepburn, in which he suggested that the bank had been of some political benefit. What did he do that for? For the purpose of leading the House and the country to believe that this Administration had started out upon a new policy. Now, for his benefit and the benefit of the House and the country I desire first to state that this is not the first instance in which letters of this kind have been written to Secretaries of the Treasury.

In 1885 the German National Bank, of Little Rock, Ark., made application to be designated as a Government depository at that place, and supported such application by strong indorsement addressed to Hon. J. K. JONES and Hon. C. R. Breckinridge. This communication to Senator JONES and Congressman Breckinridge was signed by Hon. Simon P. Hughes, governor of the State; A. W. Files, auditor of the State; W. E. Woodruff, jr., treasurer of the State; Paul M. Cobbs, commissioner of State lands; E. B. Moore, secretary of State; J. W. Callaway, judge of chancery court; John R. Eakin, assistant justice, supreme court; S. R. Cockrell, supreme judge, and other prominent citizens of Arkansas.

In the course of the communication addressed to Senator JONES and Congressman Breckinridge these gentlemen said:

The bank has always been liberal in its dealings, but safe and conservative in its management, through which policy its business is now coextensive with the State. To the above can be added the fact that it is exclusively Democratic in its ownership and management.

[Laughter.] I commend that to my friend from Tennessee.

Mr. RICHARDSON of Tennessee. Does it say that they had contributed anything for campaign purposes?

Mr. HOPKINS. If the gentleman will possess his soul in patience, I will give him a little more of this.

Mr. RICHARDSON of Tennessee. I want to obtain information about it, that is all.

Mr. HOPKINS. Indorsed on this paper is the following:

WASHINGTON, D. C., March 30, 1885.

I am well acquainted with the directors and principal stockholders of the German National Bank at Little Rock, Ark. They are reliable Democrats and entirely responsible gentlemen, not only financially, but in every other way.

I concur.

JAMES H. BERRY.

J. K. JONES.

Now, let me read a little further.

Mr. RICHARDSON of Tennessee. From the same letter?

Mr. HOPKINS. Another letter, dated in July.

Mr. RICHARDSON of Tennessee. I want to ask if this letter says these gentlemen had contributed anything to the campaign fund?

Mr. HOPKINS. I have read the letter to the gentleman.

Mr. RICHARDSON of Tennessee. That is the difference between the letters.

Mr. HOPKINS (reading):

BENTONVILLE, ARK., July 6, 1885.

DEAR SIR: Have learned that after designating the German National Bank at Little Rock, Ark., as the Government depository at that place you have decided to continue the Merchants' National Bank as depository also. In that you may be correct, but with all deference to your views I most respectfully say, as one of the Representatives from the State of Arkansas, that the owners and controllers of the latter bank are notorious and prominent Republicans, and most certainly have no sympathy with our party, either State or national, and therefore I do not believe they should be allowed such benefits from a Democratic Administration, and that the German National Bank should be the sole Government depository unless there are reasons unknown to me.

I like the president of the Merchants' National Bank personally very much, but from a political standpoint I am opposed to continuing Government benefits to them, and especially so if we have equally as safe banks of our own.

Very respectfully,

S. W. PEEL, M. C.,
Fifth District of Arkansas.

The SECRETARY OF THE TREASURY,
Washington, D. C.

Mr. GAINES. It will be observed that it says in that letter that they are not only Republicans but "notorious."

Mr. HOPKINS. Let me read a little further.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOPKINS. I move to strike out the last two words.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last two words.

Mr. RICHARDSON of Tennessee. I make the point of order that that can not be done.

The CHAIRMAN. The gentleman from Tennessee makes the point of order against that, and the Chair sustains the point of order.

Mr. RICHARDSON of Tennessee. I ask that the gentleman have five minutes.

Mr. GAINES. Mr. Chairman, I do not want to object, but right there I want to read a few lines from that Hepburn letter.

Mr. HOPKINS. Wait; the gentleman will have an opportunity later.

Mr. GAINES. I want to read it right here.

Mr. HOPKINS. It was read yesterday by your colleague.

Mr. GAINES. But I want to read it right here.
Mr. FITZGERALD of New York. Mr. Chairman—
The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from New York?

Mr. HOPKINS. I do not.
Mr. FITZGERALD of New York. Mr. Chairman, I was on my feet for the purpose of objecting.

Mr. HOPKINS. I can not be interrupted by that Representative.

Mr. FITZGERALD of New York. I was on my feet for the purpose of objecting to the extension of the gentleman's time, and made my objection to the Chair.

The CHAIRMAN. The Chair did not hear the gentleman.
Mr. FITZGERALD of New York. Well, that is not the fault of the gentleman from New York. I had the right to object.

Mr. MOODY of Massachusetts. As a member of the committee I should like to be recognized.

The CHAIRMAN. The committee will be in order. Objection is made to the gentleman from Illinois continuing. The gentleman from Massachusetts [Mr. Moody] is recognized.

Mr. MOODY of Massachusetts. I yield my time to the gentleman.

Mr. RICHARDSON of Tennessee. I make the point of order that under the five-minute debate there is no such thing as yielding time.

The CHAIRMAN. The gentleman from Tennessee makes the point of order that under the five-minute rule time can not be yielded, and the Chair is compelled to sustain the point of order.

Mr. CANNON. Mr. Chairman, just a word, and I believe I am recognized for five minutes. I want to say to the committee that after all the best way is the smooth way, the courteous way. The time of the gentleman from Virginia [Mr. Jones] was extended, time was extended to me, and no doubt somebody will want to say something on the other side. I think the best way is, until the committee gets ready to vote, that we extend the time and talk a little bit. That makes better feeling and does not hurt anybody. I will ask my friend not to object.

Mr. GAINES. How much time does the gentleman want over there?

Mr. CANNON. Five minutes.

Mr. FITZGERALD of New York. I want to say to the gentleman from Illinois that my objection has not been capitious. I was the only member from the city of New York and the State of New York who attempted to interrupt the gentleman from Illinois, and he refused me with the utmost discourtesy. Now, to show him the difference between a gentleman from New York and a gentleman from Illinois, I will withdraw my objection.

Mr. HOPKINS. I can not accept it under any such conditions from a representative of Tammany Hall.

Mr. FITZGERALD of New York. I do not pose here as a representative of Tammany Hall. I am not a member of that organization, but I am a resident of the State of New York, which is interested in the taxes to be paid.

Mr. HOPKINS (reading):

Hon. Daniel Manning, Secretary of the Treasury—

The CHAIRMAN. The gentleman from Illinois [Mr. Cannon] has the floor.

Mr. CANNON. I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of his colleague be extended five minutes. Is there objection?

Mr. FITZGERALD of New York. I have no objection.

Mr. HOPKINS (reading):

LITTLE ROCK, ARK., July 3, 1885.

Hon. D. MANNING,
Secretary of Treasury, United States, Washington, D. C.

SIR: We learn that, after designating the German National Bank here the United States depository, you recalled your order discontinuing the Merchants' National Bank as a depository on the grounds of information through Democratic sources that said bank was largely owned and managed by Democrats. It is not our desire to say anything of a personal nature derogatory of the ownership or management of the Merchants' National Bank, for so-called they are our friends, but must say that the information you have of them, politically speaking, is erroneous, for it is a well-known fact to all our citizens that said bank is controlled entirely by very pronounced Republicans, such as have no claims to Democratic patronage. In justice to the Democratic party of Arkansas you should give all the Government patronage to the German National Bank, of this place.

Very respectfully,

JAMES H. BERRY, United States Senator; E. B. Moore, secretary of State; D. W. Carroll, chancellor; Paul M. Cobbs, commissioner of State lands; G. O. Noyston, president first and last constitutional convention of State; W. B. Worthen, of county Democratic central committee; Joseph Griffith, county treasurer; S. S. Griffith, county Democratic committee; H. M. Rector, ex-governor of Arkansas; Martin Thompson; Adams & Boyle; J. E. Isbell; J. C. G. Newman, editor Pine Bluff Commercial; Ira Coffin, of State central committee; Thomas W. Newton, of State central committee; W. L. Terry, chairman county Democratic committee; R. C. Newton, late Cleveland and Hendricks elector

Mr. RICHARDSON of Tennessee. Will the gentleman yield for a question?

Mr. HOPKINS. I can not now.

Mr. RICHARDSON of Tennessee. I want to ask you this question.

Mr. HOPKINS. I will put the whole of the letter in my remarks.

Mr. RICHARDSON of Tennessee. I want to ask the gentleman from Illinois if these letters which he has read here are not the records in the Department of the Treasury, and if they have been asked for by any resolution, as those which we have read?

Mr. HOPKINS. They have been asked for by me.

Mr. RICHARDSON of Tennessee. Are they not letters that have been furnished on private application to the Secretary of the Treasury?

Mr. HOPKINS. They have been furnished to me in my official capacity as a Representative in Congress.

Mr. RICHARDSON of Tennessee. That is all right; but that is not the proper way to get testimony before Congress.

Mr. HOPKINS. These copies were furnished to me on request. I want to call my friend's attention to the back, showing the indorsement:

July 3, 1885. Government deposits, Little Rock, Ark. Denials from Senator BERRY, ex-Governor Rector, and other prominent citizens of Little Rock and the State that the Merchants' National Bank is other than extreme Republican.

Then there is this indorsement on it:

I can not see how a true friend of the Administration can cease to urge that it withdraw all countenance from Mr. Root's bank. I believe every director is pronounced Republican but one, and he is neutral, while the dominant part is the most odious phase of American politics.

C. R. BRECKINRIDGE, M. C.

Now, to show that it is not limited to Arkansas, I want to call the gentleman's attention to an Illinois letter.

Mr. JONES of Virginia. Will the gentleman allow me to ask him a question?

Mr. HOPKINS. I can not yield now.

SPRINGFIELD, ILL., June 15, 1885.

MY DEAR SIR: There are four national banks in this city. One of them, the Ridgely National Bank, is owned exclusively by Democrats, and represents the largest and most influential Democratic families of the county.

I earnestly request that this bank be designated as the national bank depository for this city, as none of the other banks have any claims upon this Administration in this respect. The officers of the bank will comply with the requirements of the Department in depositing United States bonds for security. Will you be kind enough to advise me whether this change can be made?

I shall esteem your favorable consideration of this letter as a personal favor to myself.

I have the honor to be, very respectfully, your obedient servant.

WM. M. SPRINGER.

Hon. DANIEL MANNING,
Secretary of the Treasury, Washington, D. C.

The next is a letter from Pennsylvania, which reads as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY.

Washington, D. C., February 12, 1894.

DEAR SIR: I desire to earnestly recommend that the United States depository for public moneys in the Ninth internal-revenue district for Pennsylvania, which is now the Farmers' National Bank of Lancaster, Pa., be changed to the Conestoga National Bank, of the same place. This change is believed to be best by the leading Democrats of the district, who have spoken to me on the subject, and I am satisfied that the change should be made. I hope you will see your way clear to authorize a compliance with this request.

Very truly, etc.,

F. E. BELTZHOVER, M. C.

Hon. JOHN G. CARLISLE,
Secretary of the Treasury, Washington, D. C.

Directors of the Farmers' National Bank.

J. W. B. Bausman, R.	Henry Bowman, R.
S. M. Seldomridge, R.	Martin Kredier, R.
Jacob Bausman, R.	P. T. Watt, R.
Wm. D. Sprecher, R.	Levi R. Rhoads, R.
Martin P. Swarr, R.	Samuel L. Levan, R.
Dr. Brainard Leaman, R.	J. Harold Wickersham, R.
Dr. Martin Ringwalt, R.	

Directors of the Conestoga National Bank.

B. J. McGrann, D.	Adam L. Landis, R.
R. H. Brubaker, D.	Hiram Warfel, R.
Wm. L. Blair, D.	M. F. Steigerwalt, R.
Dr. W. J. Wentz, D.	Andrew M. Frantz, R.
John A. Coyle, D.	George K. Reed, R.
David B. Landis, R.	Dr. M. L. Herr, R.
Dr. P. W. Heistand, R.	H. S. Snively, R.
John B. Kendig, R.	

Mr. RICHARDSON of Tennessee. Now, is there any suggestion of any consideration that any of these gentlemen had contributed as Democrats to the campaign fund?

Mr. STEELE. There is a very strong implication.

Mr. HOPKINS. We will see. Here is a letter from Toledo, Ohio:

TOLEDO, OHIO, April 18, 1894.

Hon. CALVIN S. BRICE,
Washington, D. C.

MY DEAR SENATOR: You will remember I spoke to you about George W. Davis, president of the Second National Bank, who is very desirous of having

the Government deposit made with his bank. I had quite a talk with him a few days ago, and I think it would be good politics to have the change made, as I understand he has always been a liberal contributor—

[Laughter.]

and perhaps would be more so if this favor was granted him—

[Great laughter on the Republican side.]

Mr. RICHARDSON of Tennessee. Had they bought any property from the Secretary of the Treasury?

Mr. HOPKINS. Now, let me read the remainder of the letter and its indorsement:

and I think it is well worth your while to try and have the change made.

Please let me hear from you in regard to the matter.

Very truly, yours,

G. W. HULL.

DEAR MR. SECRETARY: Can you not order change? George Davis is the best Democrat and banker in Toledo.

C. S. BRICE.

Mr. SMITH of Kentucky. That letter was addressed to Senator Brice, was it?

Mr. HOPKINS. Senator Brice indorsed it and referred it for that purpose.

Mr. SMITH of Kentucky. Has the gentleman any letter in which Democrats made suggestions to the Secretary of the Treasury?

Mr. HOPKINS. Now, I have a letter from Cincinnati:

WASHINGTON, D. C., May 12, 1885.

MY DEAR SIR: I have made application that the Metropolitan National Bank of Cincinnati, of which I am president, shall be made a depository of the public moneys of the United States.

The Metropolitan is the only national bank in our city with a Democratic head, and the majority of its directors and stockholders of the same political faith. It is a sound and successful concern, entitled to recognition aside from politics, but we believe that this association, which has never been assessed on behalf of our political opponents, certainly has claims on the present Administration equal if not superior to those who have contributed with money and influence to the Republican party during the last twenty-four years; and to you, as the honored and chief representative of the Democratic party in Ohio, I beg leave to respectfully refer this petition, while I remain with profound respect,

Your obedient servant,

Hon. H. B. PAYNE,
United States Senator from Ohio.

WILLIAM MEANS.

MAY 25, 1885.

This application is meritorious, and I take pleasure in commending it to the favorable consideration of the Department.

H. B. PAYNE.

Now, here is a letter from Tennessee:

FOURTH NATIONAL BANK.

Nashville, Tenn., June 23, 1885.

DEAR SIR: Our board of directors having decided to make application to have this bank designated as a depository of public money, I take the liberty of inclosing herewith our application to the Secretary of the Treasury, and will ask you to kindly present the same for us and to give our application the benefit of your influence.

The revenues of the Government collected at this place amount to a considerable volume, and we think will justify the Secretary of the Treasury in designating another bank, thereby having two depositories here, as at many other places. Our capital is \$500,000; surplus fund, \$100,000.

The bank has been in existence eighteen years and has always been conducted in a conservative way, as our regular reports on file in the Treasury Department will show.

The political complexion of this bank is in full sympathy with the party in power.

Our board is composed of fifteen directors, all of whom vote the Democratic ticket.

Hoping that you will find it convenient to attend to this matter for us without taxing your time too much, I am,

Very respectfully, yours, etc.,

SAML. J. KEITH, President.

Hon. ISHAM G. HARRIS,
Washington, D. C.

Mr. GAINES. He voted for McKinley in 1896, and is one of the best bankers in the United States.

Mr. HOPKINS. That letter is indorsed as follows:

GOVERNOR: I sincerely trust that you will aid Mr. Keith. The bank is one of the best in the country, and the gentlemen in charge our friends.

JOHN TURLEY.

Mr. RICHARDSON of Tennessee. John Turley. Who is that?

Mr. HOPKINS. The gentleman should know.

Mr. GAINES. John Turley. No such man lives in the city connected with that bank.

Mr. HOPKINS. Now, here is one from the Fourth National Bank of Nashville.

UNITED STATES SENATE, Washington, D. C., July 2, 1885.

SIR: The Fourth National Bank of Nashville, Tenn., send me their application to have that bank designated as a depository of public money. It is a bank of \$500,000 capital, with a surplus of \$100,000.

The directors of this bank are friends to the Democratic organization. Neither they or I ask to withdraw entirely from the First National Bank, but only that the Fourth shall be designated as a depository.

As the funds will be equally safe with the Fourth, there can be no reason that I can see why it should not be designated as a depository, and our Democratic friends there regard it as important that it should.

I therefore ask that it be so designated.

Respectfully,

Hon. DANIEL MANNING,
Secretary of the Treasury.

ISHAM G. HARRIS.

UNITED STATES SENATE,
Washington, D. C., September 2, 1885.

SIR: Some time since I filed in the Department the application of the Fourth National Bank of Nashville, Tenn., to be made a depository, and when I last talked to you upon the subject you decided to postpone action at that time.

I do not ask that the First National Bank be discontinued as a depository, but I do ask and earnestly urge that the Fourth be made a depository also, and I am earnestly urged by the strongest, most active, able, and influential Democrats in middle Tennessee to insist on the Fourth being made a depository.

I do not see a single reason why it should not be done, while there are many, which are abundantly satisfactory to my mind, why it should.

I earnestly hope that you will make the order at once.

Respectfully,

ISHAM G. HARRIS.

Hon. DANIEL MANNING,
Treasury Department.

Then that is followed—

Mr. GAINES. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Tennessee?

Mr. HOPKINS. I can not.

Mr. GAINES. Is the gentleman from Illinois going to read all the afternoon? [Laughter.]

Mr. HOPKINS. I have enough to read all the afternoon.

Mr. GAINES. There is nothing "notorious" about that bank.

The CHAIRMAN. The gentleman from Illinois has one minute more.

Mr. HOPKINS. Well, Mr. Chairman, I will put these letters in without any further remarks, and read one from my friend from Tennessee. [Laughter.] It is as follows:

MURFREESBORO, TENN., September 21, 1885.

DEAR SIR: I learn that the Third National Bank of Chattanooga is asking that the Government depository be changed from the First National Bank of that city to it. For good and satisfactory reasons I have the honor to join in this request, and will be glad to see the change made as early as convenient.

Very respectfully, your obedient servant,

JAMES D. RICHARDSON, M. C.,
Fifth District of Tennessee.

Hon. D. MANNING,
Secretary of Treasury.

MEMPHIS, TENN., September 24, 1885.

SIR: In view of the fact that the charter of the First National Bank at Chattanooga, Tenn., expires soon, as I am informed, and the additional fact that the directors and employees of that bank are with a single exception earnest Republicans, as I am informed by leading Democrats there, and the directors and employees of the Third National Bank at Chattanooga are with a single exception earnest Democrats, I recommend that the Third National Bank be designated as a depository instead of the First.

Respectfully,

ISHAM G. HARRIS.

Hon. DANIEL MANNING,
Secretary Treasury.

Mr. RICHARDSON of Tennessee. That is 150 miles from where I live, and no one of them ever contributed to my campaign fund.

Mr. HOPKINS. Mr. Chairman, I simply read from these letters to show that Mr. Hepburn, who was Comptroller of the Currency under a Democratic Administration, had these letters all before him as precedents when he wrote the letter to Secretary Gage that has been read by my friend from Tennessee. [Laughter on the Republican side.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. McRAE. Mr. Chairman, the letters furnished by the gentleman and this discussion confirmed me in the belief which I have long entertained—that national banks are dangerous institutions. [Laughter.] The gentleman has read the private letters that have been furnished him by the present Administration for the purpose, I charge and believe, of breaking the force of charges made against it for paying their political debts. He could not have known of the existence of the letters he read, and therefore could not have made application for these particular letters, but the Secretary of the Treasury, who knows that he has been guilty of at least abusing a discretion vested in him by law, and who needs the defense of the gentleman from Illinois, has volunteered to furnish him these letters in order to distract the attention of the House and his country from his own conduct. And in violation of all precedents he has furnished him these letters. What right has the Secretary of the Treasury to give out these letters unless called for by the House or by a member of the House? So much for the manner in which the letters have come here.

I will ask the gentleman from Illinois to state when and how he learned of the existence of these letters. Will the gentleman give me his attention, and answer when and how he heard of the existence of these letters?

Mr. HOPKINS. I learned of them first under a Democratic Administration, and when this question came up during the last Congress and the Hepburn letter was read I made application for the letters, but never had an opportunity to get them and read them until to-day.

Mr. McRAE. How did the gentleman first learn of the existence of the letters?

Mr. HOPKINS. Through the officials in the Secretary's office.

Mr. McRAE. What officials?

Mr. HOPKINS. I am not on the witness stand, and I do not think the gentleman from Arkansas is lawyer enough to conduct a reasonable and fair examination.

Mr. McRAE. But when the gentleman from Illinois brings in this debate private letters of others and reads them to the House, he must show that he got them honestly or assume the responsibility for getting them dishonestly, and he can choose between the two. [Applause on the Democratic side.]

Mr. HOPKINS. One moment. I want to say to the gentleman that any member of Congress, either of the House or the Senate, has a right to a copy of any public document that, in his judgment, will aid to enlighten the public on any legislative question that is being considered; and I want to say further, that in securing these letters I have not read an anonymous letter. There is not one among them. Every one of them is a matter of public record and is open to you and to me; and in the exercise of that right I secured them. Instead of being dishonest I believe I have done an act of public justice by exposing the hypocrisy and cant of the gentleman.

Mr. McRAE. The gentleman has refused to state or to give information as to how he became aware of these letters. I ask him now if it was through Secretary Gage, or some one connected with his office? If the gentleman refuses to answer I assume that it came from the Secretary's office, and he and the gentleman alike are guilty of a violation—

Mr. HOPKINS. Does the gentleman from Arkansas contend that his Senators did not write the letters I have read?

Mr. McRAE. That is not the question.

Mr. HOPKINS. Does he contend that his colleagues did not write the letters?

Mr. McRAE. There is nothing in them that is dishonorable at all. Does the gentleman contend that they are public records?

Mr. HOPKINS. They are public writings and open to the inspection of any member of Congress. Now, let the gentleman defend the charge, and not harp at the manner in which they are received, for it was open and fair.

Mr. McRAE. There is not a thing in the letters that reflects upon the character of a single man that is connected with the writers. I want to say to the gentleman that the First National Bank of Little Rock has since failed.

Mr. HOPKINS. I want to ask the gentleman before he goes any further if he contends that these are private letters?

Mr. McRAE. Of course they are private letters.

Mr. HOPKINS. They are not private; they are public. There is the mistake of the gentleman. When they reach the Government officials they become public. Now, I want the gentleman to understand—

Mr. McRAE. The gentleman can talk in his own time unless he answers my questions.

Mr. HOPKINS. I can appreciate that they hurt the gentleman and that they hurt his party, but they are public letters, and the time has come when they should be made public.

Mr. McRAE. Now, Mr. Chairman, as to what was in the letters, there is nothing that reflects on anybody connected with them, and that as the First National Bank of the city of Little Rock has since that time failed to such an extent that there was an assessment laid on the stockholders in order to pay the depositors, that it shows the Senators made a wise selection when they recommended the German National.

Mr. PAYNE. Will the gentleman from Arkansas allow me?

Mr. McRAE. Yes.

Mr. PAYNE. If these deposits had continued in the bank that has failed, of course the Secretary would require an equal amount of bonds, and if the bank had failed while the deposits were there, does the gentleman contend that the Treasury would have lost a dollar?

Mr. McRAE. The law requires that they must protect the Government deposits, and I suppose they would have protected the Government. But I am showing that this bank recommended by the Democratic Senator whose name has been mentioned was a proper bank and that there was nothing wrong in the transaction.

Now, Mr. Chairman, the truth of this matter is that many of the national banks under this national banking system expect and do receive benefits from the Government under all Administrations. It is a system that ought to be abolished, and I call attention to the fact that when your currency bill was passed if it had not been for the votes of the men that owned stock in national banks that bill could not have passed.

They come and demand their compensation under any and all Administrations. But, Mr. Chairman, I have never known such unblushing audacity as that shown by the vice-president of the City National Bank of the city of New York.

I have made a motion to strike out this paragraph. If for two years the majority in this House can refuse to appropriate money which they argue is now due by law, why can we not delay it longer? I charge you, gentlemen, with neglecting the payment of this debt, which you say was honest. I charge you with cowardice in the past or with hypocrisy now in claiming that it is honest. You claim that this debt was due more than two years ago, but silently postponed it. After the election you propose to pay it.

[Here the hammer fell.]

Mr. FITZGERALD of New York. Mr. Chairman, the question here is not whether the Government of the United States has been defrauded of money, not whether the officials of the City National Bank of New York have made an improvident contract with the Government of the United States, but the real question is whether this contract was made for the purpose of enabling the City National Bank of New York to evade the payment of taxes to the city of New York upon the property purchased by the bank from the Government of the United States.

During the remarks of the gentleman from Illinois [Mr. HOPKINS], I wished to ask a very pertinent question; but his uniform courtesy prevented it. The gentleman a short time ago stated that he did not desire any courtesy from a member of Tammany Hall. I am not a member of that organization; any man at all familiar with the geography of the city of New York would know that. But in all my experience I have never known a member of the Tammany organization to give such an exhibition of discourtesy, after having served so long as the gentlemen, either in this House or in any other legislative body.

It is a remarkable fact that all the explanations and defenses of this City National Bank transaction, all the statements that it was not to evade taxation, come from gentlemen from other States than the State of New York. In the last session of this Congress, when this same question was up, the chairman of the tax commissioners of the city of New York, recognized as one of the most competent men in that line in our State, stated that if it were possible in any way under the law to assess that property, the board would do so. No way has yet been found.

When the gentleman states that the city and State of New York have not been deprived of any taxes by this transaction, he makes an erroneous statement. In the first place, the tax upon personality is much lower in the city of New York than the tax upon real estate. Naturally, then, it would be to the advantage of any bank or other institution to pay taxes upon its capital and surplus as personality instead of paying taxes upon them as real estate. The water taxes upon that property also would be very great. The custom-house takes in a whole block in the city of New York upon Wall street, which is the most valuable property in the city. The new site for a custom-house has been purchased. No taxes are now paid upon that.

As to the statement of the gentleman that were it not for this contract providing that the rental should be 4 per cent of the purchase price the property could be rented for 6 or 8 per cent, I will say to him that that building could hardly be rented to-day for a stable under any other conditions. It has been a disgrace to this Government for years, and it is preposterous to think that anybody would pay \$300,000 a year as rental for that property.

Another very important matter in this discussion is the fact that it is only within the last three or four years that the Standard Oil Company has had an interest in this bank. If I recollect correctly, they entered the bank right after the election in 1896; and since that time the Government deposits in that bank have been greatly augmented.

This new custom-house will not be built for a good many years. It is only during the last thirty days or so that the contract for the excavations and foundations has been let. Within a few days I communicated with the Secretary of the Treasury to ascertain, if possible, the time when bids would be invited for the erection of the superstructure. The Supervising Architect of the Treasury Department, in a communication to me, stated that perhaps this information could be secured from the architect in New York; but the Department did not know and could not tell. The contract for the foundation has a time limitation, I think, of about eight months. At least eight months must elapse before the work upon the superstructure can begin, and anybody who is at all familiar with contracts for Government work knows that this building will be many years in course of erection.

During all that time this bank will avoid the payment of the taxes which it should properly pay to the city and State of New York. The letter from the vice-president of the bank to the Secretary of the Treasury, and his letter in return, read by other gentlemen during this discussion, show that the contract was made for the express purpose of evading these taxes. Of course, the United States Government has not been defrauded; of course, the City National Bank of the city of New York has not made an improvident contract. But because of the favoritism of the Secretary of the Treasury this institution has been enabled to make

a contract with a Government official which practically defrauds another political division of the Government of this country of taxes justly due.

[Here the hammer fell.]

Mr. CANNON. Does the gentleman want more time? He can have all the time he desires.

Mr. FITZGERALD of New York. I thank the gentleman. I do not care to occupy further time.

Mr. CANNON. Mr. Chairman, I shall be glad if we can agree to close this debate at some near time. We have had discussion for about two hours and a half.

Mr. GAINES. I would like about three minutes, or something like that.

Mr. CANNON. I think we can provide for that. I will ask unanimous consent to close debate in fifteen minutes—or, say, ten minutes.

Mr. FITZGERALD of Massachusetts. Make it fifteen minutes.

The CHAIRMAN. The Chair will put the request. The gentleman from Illinois [Mr. CANNON], chairman of the committee, asks that debate on this motion be closed in ten minutes.

Mr. CANNON. On the paragraph covered by the motion, and all amendments thereto.

The CHAIRMAN. On the paragraph, the motion to strike out, and all amendments to the paragraph—that debate be closed in ten minutes.

Mr. JONES of Virginia. I did not understand that the request was to close debate on all amendments, because if this motion is voted down, I then desire to offer an amendment that would be debatable.

Mr. CANNON. It would not bar out the amendment.

Mr. JONES of Virginia. I do not want to be debarred from that.

The CHAIRMAN. No amendment will be barred out. It is simply a question of limiting the time for debate.

Mr. JONES of Virginia. I want the usual five minutes on my amendment.

Mr. CANNON. Well, I say to my friend very frankly that I shall make a point of order against his amendment, and of course on the point of order my friend can be heard.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. RICHARDSON of Tennessee. That the debate be closed how soon?

The CHAIRMAN. In ten minutes.

There was no objection.

The CHAIRMAN. The gentleman from Tennessee [Mr. GAINES] is recognized for three minutes.

Mr. GAINES. Mr. Chairman, we have been regaled for some time by the letters that have never come to light before, read by the gentleman from Illinois [Mr. HOPKINS]; but I desire this committee to draw the distinction between a simple recommendation of the members of Congress to the powers that be here, contained in the letters written under the Democratic Administration, and the letter that is printed in the report of the Secretary of the Treasury here and in the RECORD in the speech of my colleague [Mr. RICHARDSON of Tennessee] yesterday. The reason why Senator JONES and his colleagues made the recommendation for a change which they did was from the standpoint of Democracy and good citizenship; that is, that that bank was not only a Republican bank, whose officers were Republicans, but that they were "notorious;" and no man knows better what "notorious" means, as the word is there used, than do the distinguished Representatives in Congress from Arkansas or from any other Southern State.

Mr. Chairman, not a single one of these letters moved to change the deposits of the Government of the United States from one bank to another except where the personnel of the bank was "notorious," and therefore unfitted to receive the deposits of the United States. They would have been, in other words, unsafe in "notorious" hands.

Now, the gentleman alludes to some of the banks of the city of Nashville, the Fourth National Bank, which has been for years a Government depository and is one of the best banks in the United States. As I said, nine-tenths, or certainly nearly all, of the men connected with the bank voted for Mr. McKinley in 1896. Have they been "notorious," however? Have they contributed to campaign boodle? Not at all. No intimation of such an outrage is contained in these letters. On the contrary, the Democratic party in Tennessee have passed a law prohibiting under heavy penalties and making it a felony with the right to withdraw the chartered rights of any corporation in that State which contributes to campaign boodle, whether it is for the Democrats or the Republicans, and I suggest, Mr. Chairman, that that was done in view of the fact of the great amount of contamination and foul efforts brought about at the ballot box in 1896, superinduced by money sent down

South from the East, Massachusetts notably. But what does the letter of Mr. Hepburn say? I read in part:

Of course the bank is very strong, and if you will take the pains to look at our list of directors you will see that we also have great political claims, in view of what has been done during the canvass last year.

That was in 1896, Mr. Chairman, because that letter was written in 1897. I came in contact with those practices in my district, Mr. Chairman. Boodle was sent there from the great wealthy States, including New York and Massachusetts and other great States that went into the banking institutions and sent money to the district that I have the honor to represent in order to try to defeat me at the polls and stifle the will of a free people. But, as usual, they rose in their might and smote the effort, and will ever do so. Our legislature, through the advice of that great Democrat, William J. Bryan, in a speech made at Nashville, passed this bill that throttled the corrupt influences of corporations in that great State, and the result has been most happy and fortunate. [Applause.]

[Here the hammer fell.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MAHON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 5857. An act to extend the time granted to the Muscle Shoals Power Company by an act approved March 3, 1899, within which to commence and complete the work authorized in said act to be done by said company; and

S. 5928. An act relating to the retirement of Hawaiian coinage and currency.

The message also announced that the Senate had passed without amendment the following concurrent resolutions:

House concurrent resolution 75.

Resolved by the House of Representatives (the Senate concurring), That there be printed at the Government Printing Office 14,000 copies of the reports on Alaska, now in preparation by the Geological Survey, on the Copper River country and the Seward Peninsula, including the Nome region, with the accompanying maps and other illustrations, 4,000 copies for distribution by the House, 2,000 copies for distribution by the Senate, and 8,000 copies for distribution by the Geological Survey.

House concurrent resolution 68.

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Senate and House of Representatives 6,000 copies of Bulletin No. 86 of the Department of Agriculture, the same being a treatise on "The use of water in irrigation," 4,000 copies for the use of the House of Representatives and 2,000 copies for the use of the Senate.

The message also announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House was requested:

H. R. 9151. An act granting authority to Alafia, Manatee and Gulf Coast Railroad Company to build railroad bridges across the Manatee River and Gasparilla Sound, and to lay railroad tracks thereon.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. FITZGERALD of Massachusetts rose.

Mr. CANNON. How much time does my friend from Massachusetts [Mr. FITZGERALD] desire?

Mr. FITZGERALD of Massachusetts. Three minutes.

The CHAIRMAN. The gentleman from Massachusetts is recognized for three minutes.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I desire to take the time of the House at this moment to allude to the condition of affairs in some of the national banks of the country. A few days ago one of the national banks in the State of Massachusetts failed, and the failure has caused no end of comment from one end of that State to the other. The people are wondering whether the depositors in national banks have any protection under the law. I have in my hand at the present time, Mr. Chairman, a report of the Comptroller of the Currency which calls attention to the great and positive danger and great injustice to the depositors in the excessive amounts of loans, under the present system of management of the national banks, allowed to the directors.

I think, Mr. Chairman, instead of wandering off to Illinois and attending to political matters, as the Comptroller of the Treasury has done during the past winter, wire-pulling in the interest of certain candidates for the United States Senate, he should have come before the proper committee and urged the necessity of suitable and necessary legislation, so that the national banks of the country may be put in a sound and safe condition.

The manner in which directors and other favored individuals are allowed to use the funds of the national banks is positively criminal, and if the truth were known there would be such an uprising of the people as this country has never seen.

Mr. Chairman, in the city of Boston, a year ago, one of the biggest failures in the history of national banks occurred, involving millions of dollars, and the failure was discovered owing to the efficiency of one of the clerks in the bank rather than to the efficiency of the examination system put into operation by the United States Government. The great defalcation in New York which startled the people of this country some six or seven months ago, where the cashier of that bank was found to have absconded with more than a million of dollars, was discovered by accident. The discovery of that great defalcation, of that great thievery, was not due to the system of protection that is afforded by the United States Government, but was brought about by the sharpness of one of the bank's clerks.

I notice, Mr. Chairman, that the law makes a very inefficient provision for the examination of the banks, and I will take the time of the committee just for a moment to read a section which came to my notice a few moments ago.

Mr. HILL. I will say to the gentleman that the very matter about which the gentleman is now speaking is the subject of bills which are on the Calendar and which have been objected to by the Democratic side of this House, which bills, if passed, would rectify this matter.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD of Massachusetts. I ask two minutes more, in order to answer the gentleman.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. FITZGERALD of Massachusetts. I am glad the gentleman made that statement. It is the first time in this House that I have ever seen a Republican majority held up by the Democratic minority, and it is the same way in which the Republicans explain the failure of all anti-trust legislation, by saying that they have bills already reported and it was a Democratic minority that were throttling them. I am surprised that the gentleman from Connecticut has the temerity to stand upon the floor of this House and make the statement that the Democratic minority, either in committee or in this House, have the power to stop the Republicans either from taking the initiative or from putting through any form of legislation they wish.

Now, Mr. Chairman, I wish to read this statement:

The Comptroller repeats the recommendation made by his predecessors, that the present law should be so amended as to provide fixed salaries for bank examiners, to be paid from a fund collected from the banks, to take the place of the fee system now in force. The amount allowed an examiner for the examination of smaller banks is not sufficient to compensate him for the time necessary, in many cases, for an extended examination. The present system encourages to too great an extent superficiality in examinations, and interferes greatly with the proper and wise apportionment of time of examiners among the different banks.

This language explains the lack of systematic and proper bank examinations now in force by this Government. This bank that failed the other day was in one of the smaller communities, where the persons who were damaged were the small depositors. We have this testimony from the Comptroller of the Currency of the United States, that the poor people who deposit their money in these banks are not sufficiently protected, because the money allotted by the United States Government to the examiners in these smaller banks is not sufficient to pay the examiners. It is an invitation to fraud and deceit and thievery which ought not to be tolerated.

I am of the opinion that the national banking system of this country and the system of management and inspection leads to positive wrongdoing and dishonesty.

The press, for some reason or other, has not probed into this matter in the manner which the public interests demand, and if there is one feature of American business life that demands the greatest scrutiny and investigation of the people of this Government it is the national banking system.

The CHAIRMAN. The Chair will state that there is one minute of the ten minutes still remaining.

Mr. CANNON. Well, I do not desire to use it.

Mr. RICHARDSON of Tennessee. I want to make a parliamentary inquiry, not to come out of that minute. Do I understand that there will be no debate on any amendment offered to the section?

Mr. CANNON. That is right.

Mr. RICHARDSON of Tennessee. That has been agreed to?

Mr. CANNON. Yes.

Mr. RICHARDSON of Tennessee. Then in the minute remaining, if the gentleman will yield to me, I will state that I wish to offer an amendment to the section which I think is a limitation upon the appropriation. I will not offer it now, but will when the proper time comes.

Mr. Chairman, in respect to the letter written by myself, which the gentleman from Illinois [Mr. HOPKINS] has read, I only want to say that that letter was written in 1885, and in respect to some

bank at Chattanooga in eastern Tennessee, 180 or 140 miles from where I live. I do not know any of the officers in it, and do not recall the fact of writing the letter; but I take it to be true that all of us, or at least very many of us, have been called upon to recommend banks that they might become depositories. The gentleman would not contend, I am sure, that my letter and the others he has read are at all in line with the letters which we have read in respect to the dealings between this bank in New York City and the Secretary of the Treasury.

Mr. HOPKINS. I am willing to let the letters speak for themselves.

Mr. RICHARDSON of Tennessee. There has been no effort on the part of that bank to obtain such benefits as are mentioned here, and consequently it can not be said that they in any respect answer the facts which we have adduced with respect to the dealings between this National City Bank and the Secretary of the Treasury, Mr. Gage.

The CHAIRMAN. As the Chair understands the parliamentary situation, the motion before the committee is the motion made by the gentleman from Arkansas [Mr. McRAE] to strike out that paragraph in the bill beginning with line 18 on page 5 and ending with line 4 on page 6; that all motions to perfect this paragraph by way of amendment would take precedence of the motion to strike out, but that if the motion to strike out should be lost, then an amendment to perfect the paragraph will be in order. As there is no amendment now pending—

Mr. JONES of Virginia. I offer, then, this amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment to the paragraph.

Mr. JONES of Virginia. Did I understand the Chair to hold that this amendment can not be offered?

The CHAIRMAN. The Chair holds that it can be offered either now or after the other motion is disposed of.

Mr. JONES of Virginia. I prefer to offer it after the question is taken on the motion to strike out.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Arkansas, striking out the paragraph.

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. McRAE. Division.

The committee divided; and there were—ayes 62, yeas 72.

Mr. McRAE. I ask for tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN. The gentleman from Illinois, Mr. CANNON, and the gentleman from Arkansas, Mr. McRAE, will please take their places as tellers.

The committee again divided; and the tellers reported—ayes 89, yeas 98.

So the motion was lost.

Mr. JONES of Virginia. Mr. Chairman, I desire to offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Add after the word "cents," in line 4, page 6, the words:

"But the Secretary of the Treasury is hereby directed to deduct from this sum of \$571,047.12 the sum of \$50,000, the same being the amount still due and unpaid by the National City Bank to the United States upon the purchase price of the said old custom-house."

Mr. CANNON. To that I make the point of order that it is legislation, not in order in a general bill.

The CHAIRMAN. The Chair will be glad to hear the gentleman on the point of order.

Mr. CANNON. That is about all I have to say about it, Mr. Chairman. However, somebody has got the document; but I will state that, as I understand, it is a fact that under an act of Congress this property was sold for three million and some odd hundred thousand dollars, and there was authority in that act to sell it upon payments; that under that act and authority the sale was made, and there was a payment of \$50,000, where the purchaser had the right, at his option, to pay the \$50,000 on or before the time that the Government should cease to occupy that old custom-house, which was the object of purchase. That the contract was a legal one under the law, and now to deduct from the amount the amount that is due under the law by those parties of that deferred payment, under the contract and under the law, is legislation.

Mr. JONES of Virginia. Mr. Chairman, I am rather surprised that the chairman of the Committee on Appropriations should make this point against this amendment. In the first place, when this matter was under discussion on yesterday, the gentleman based his advocacy of the amount embraced in this item upon the ground that the law authorized the Secretary of the Treasury to rent this building and that the Committee on Appropriations was in honor bound to appropriate the money to pay the rent.

The statute from which the gentleman quotes also says that the Secretary of the Treasury shall accept the money due the Government under the contract of sale, from time to time, as he may deem most advantageous. In other words, the amount which the Government is to pay in the way of rent and the method to be

pursued in collecting the purchase money is all provided for in one and the same act of Congress.

The gentleman has undertaken to quote from the terms of sale. Who knows what the terms of the sale were? No one who has spoken upon this subject seems even to have seen them.

The advertisement has not been produced here. The gentleman must have obtained his knowledge of the terms of sale from the report of the Secretary of the Treasury made to Congress. I will read for his benefit the only reference, so far as I have been able to discover, which is made by the Secretary of the Treasury to the terms of sale, and it is this:

Under the terms of sale it—

Referring to the National City Bank—

had the option of paying in cash all of the purchase money at any time or any part it may select above the \$750,000, which sum it was absolutely required to pay.

And the Secretary of the Treasury says further on in the report that, exercising its option under these terms of sale—

It had elected to withhold the payment of \$50,000.

If the Secretary of the Treasury has correctly stated the terms of the sale in his report, I am justified in saying that there is nothing in those terms which could possibly justify his conclusion that the National City Bank had the right to elect to withhold the payment of \$50,000.

Now, I want to direct the attention of the gentleman to a further fact, and to ask him whether or not, even if his point of order should be held to be well taken, he is willing to insist upon it under the circumstances I am about to state.

The National City Bank is paying to the United States 4 per cent interest upon this \$50,000, or \$2,000 a year. The Government is renting this building from the National City Bank, paying a rental of 4 per cent upon the purchase money—4 per cent upon \$3,265,000, not 4 per cent upon \$3,215,000—the difference between the amount which has been paid and the amount which remains to be paid.

In other words, while the bank is nominally paying 4 per cent interest on this \$50,000, that sum is included in the purchase price of the property, and to that extent enhances the rent the bank is receiving. The Government gets 4 per cent interest and the bank gets rent equivalent to 4 per cent on the \$50,000. Now, I submit to the gentleman that, inasmuch as the Government is paying rent at the rate of 4 per cent upon the entire purchase money of \$3,265,000—because 4 per cent on that sum comes to \$130,600, if the gentleman will make the calculation—the bank is merely paying back to the Government, when it pays the interest on the \$50,000, what it got from the Government in rent.

Now, Mr. Chairman, inasmuch as this whole transaction grows out of the sale of property made under the act of March 2, 1899, it does seem to me that an amendment, which simply seeks to set off one claim against a counterclaim, is proper and germane. It would be outrageous, in my judgment, to require the Government to pay the National City Bank rent for a building purchased from the Government, and not to require at the same time that the bank should pay the balance of the purchase money due by it to the United States.

Mr. HILL. Will the gentleman permit a question?

Mr. JONES of Virginia. Yes.

Mr. HILL. I would like to ask the gentleman this question: If we pass your amendment calling for \$50,000 to close up the transaction, would not the Government, under the terms of the bid and under the terms of sale, be obliged to pay 4 per cent interest on that money as additional rental?

Mr. WHEELER. It is doing it anyway.

Mr. JONES of Virginia. The Government is now paying 4 per cent upon the whole amount.

Mr. HILL. No; it is not.

Mr. WHEELER. Of course it is.

Mr. JONES of Virginia. The gentleman from Connecticut shakes his head. If he will take his pencil and put down \$3,265,000 and calculate the interest upon it at 4 per cent, he will find that the interest will be \$130,600, the exact amount named in this paragraph as one year's rent. If that be so, I submit that the chairman of the Committee on Appropriations ought to vote with me on my proposition. I would like to know how any gentleman from the State of New York can vote against this proposition.

Here the Government owes for rent—

Mr. CANNON. I want to ask my friend, this being a point of order, whether he thinks it important or, from a parliamentary standpoint, proper to go over what has already been discussed and give us his version, in reply to my version, of the morals surrounding this transaction.

Mr. JONES of Virginia. I am not doing that.

Mr. CANNON. Is not the only question upon the point of order?

Mr. JONES of Virginia. I am trying to confine myself strictly to this point of order. I am trying to show, not only to the com-

mittee, but the gentleman from Illinois, that this is one single transaction; that these two counter claims grow out of that transaction, which transaction is under the act of Congress of March, 1899; and I am trying to show the gentleman that his statement as to what were the terms of sale is not borne out by the facts as set forth by the Secretary of the Treasury himself, and that there was nothing in the terms of the sale—not a single word—which gave to this banking institution the right to retain this \$50,000.

On the contrary, the language which I have read from the report of the Secretary of the Treasury himself shows that the only option the bank had was as to the amount which it would pay over and above \$750,000 and up to the full purchase price, and that there was nothing in the terms of the sale, so far as we are advised, which allowed the bank to retain a single dollar of this money a day longer than the Secretary of the Treasury might demand its payment.

Now, this being one and the same transaction, growing out of the same act of Congress—admitting (for it has been so decided by the Committee of the Whole) that the Government owes this rent, and it being conceded by everybody that the National City Bank owes the Government \$50,000 on which it is practically paying no interest, and which, under the terms of the sale, it has no right to retain—I submit that it is perfectly competent to offer this amendment authorizing the Secretary of the Treasury when he pays the rent to deduct the amount due the Government on the very property out of which the rent accrues. I do not think there can be any question about that proposition.

Mr. CANNON. Mr. Chairman, I want to see whether the Chair understands what I understand to be the facts of this case. If so, I am ready for the Chair to rule.

The CHAIRMAN (Mr. BOUTELL of Illinois). The Chair is ready to rule upon the point of order.

The paragraph under consideration, on page 5 of the bill, provides for the appropriation of \$371,047.12 in payment for the rental of the old custom-house in New York City from August 28, 1899, to June 30, 1902. The amendment offered by the gentleman from Virginia provides that from this payment shall be deducted the deferred payment of \$50,000 remaining unpaid by the City National Bank of New York City to the United States Government as the final payment on the purchase price of this property.

The Chair has before it the act of March 2, 1899, entitled "An act to supplement and amend an act entitled 'An act for the erection of a new custom-house in the city of New York, and for other purposes.'" This act provides for the erection of a new custom-house and for the sale of the old building. The provisions relating to the sale of the old custom-house are found in section 4 of this act. The act is mandatory. It directs the Secretary of the Treasury to sell this property upon certain terms. It also directs what some of the terms of this sale shall be—among others, that the United States Government shall be entitled to retain control and possession of this property until the completion of the new custom-house, paying as a rental therefor 4 per cent of the purchase price of the property.

In reference to the method of the payment of the purchase price this act provides:

And the Secretary of the Treasury is hereby authorized to accept the said purchase price in several payments, from time to time, as he may deem most advantageous: *Provided, however,* That the use, occupation, and possession of said property shall not be surrendered until the new custom-house is ready for occupation and the final payment fully made.

A certain discretion is distinctly vested in the Secretary of the Treasury in reference to the method by which he shall exact the payment of this purchase price. Pursuant to this act, a contract was entered into between the United States Government and the City National Bank of New York. That contract provided that the deed should be delivered to the bank upon the payment of the balance of said purchase price when a new custom-house, to be erected by the United States on the so-called Bowling Green site, shall be occupied by the United States.

The delivery of the deed as provided by this contract is to depend upon two things—the payment of the final installment of the purchase price and the occupancy of the new custom-house at Bowling Green. That contract, the Chair submits, was entered into under the discretion clearly vested in the Secretary of the Treasury by section 4 of the act of 1899. As the Chair recollects, there is a long line of decisions, which hold that a limitation of a discretion duly vested by law in an executive officer is new legislation. Under these circumstances, considering the distinct discretion vested in the Secretary of the Treasury by this act—considering the terms of the contract which he entered into pursuant to the discretion vested in him by that act, which terms are that the deed is to be delivered on the consummation of two things, the completion of the new custom-house and the final payment of the purchase price—the Chair is constrained to rule, whatever opinion he may have in reference to the merits of the question, that this amendment offered by the gentleman from Virginia does affect and limit the discretion of the Secretary of the

Treasury as conferred upon him by section 4 of the act referred to. The Chair therefore sustains the point of order made by the gentleman from Illinois.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I have an amendment which I ask the Clerk to read.

The Clerk read as follows:

Provided, That no part of this appropriation shall be available or be paid to said bank until the title to the bank shall be completed and the title to the old custom-house property passed under the laws of New York to the said bank.

Mr. CANNON. To that I make the point of order that it is new legislation upon an appropriation bill.

The CHAIRMAN. To that the gentleman from Illinois makes the point of order that this is new legislation.

Mr. RICHARDSON of Tennessee. Mr. Chairman, it is simply a limitation upon the appropriation contained in this item.

Mr. CANNON. It is a limitation that changes the law.

Mr. RICHARDSON of Tennessee. Oh, no.

Mr. CANNON. The law under which the contract was made.

Mr. RICHARDSON of Tennessee. I understand the point which the gentleman makes.

Mr. CANNON. I know the exceeding ability of my friend to draw a fine point.

Mr. RICHARDSON of Tennessee. Yes, and I know the exceeding ability of my friend to get around a fine point. [Laughter.]

Mr. Chairman, the point that I think ought to control is that the amendment does not change existing law. It is not a permanent provision of law that is changed by the amendment, and that is what is in contemplation under our rules. It is a limitation upon the proposed appropriation. It does not change existing law, but simply limits the appropriation contained in this clause.

Mr. CANNON. I ask that it be reported again.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again read.

Mr. CANNON. Well, I will make the additional point of order that it is in conflict with the appropriation that has already been passed.

Mr. RICHARDSON of Tennessee. Which one?

Mr. CANNON. To which it pertains.

Mr. RICHARDSON of Tennessee. It has not yet passed, and I am trying to put a limitation upon it before it passes.

Mr. CANNON. In other words, the gentleman is trying to nullify existing law.

Mr. RICHARDSON of Tennessee. Oh, no. If the appropriation is made I want it to be made, with the limitation that it is not to be received until the bank does its duty in respect to this property. Now, I cite the Chair to several precedents which will be found in the Parliamentary Precedents, of which I believe the Chair has a copy. On page 305 a question closely akin to this arose. On June 3, 1892, the House being in Committee of the Whole on the state of the Union, considering the Post-Office appropriation bill, Mr. Holman offered an amendment putting a limitation upon an appropriation. I will not read it all. It contains this provision:

Provided further, That no part of the money hereby appropriated shall be expended in the carrying out of any contract or contracts made hereafter under the provisions of—

A certain act to which he refers. The gentleman from Maine, Mr. Dingley, made the point of order against it on the ground that it changed existing law. The Chairman said:

The Chair does not understand that the amendment offered by the gentleman from Indiana changes existing law, but simply that it attaches a limitation upon the expenditure of the money appropriated under this particular act.

The Chair therefore ruled the amendment in order. Now, it seems to me, Mr. Chairman, that this is a case in which the same rule applies—that it does not change the permanent law of the country, but simply affixes a limitation to this appropriation.

Mr. CANNON. Now, let me see if I understand the situation. The Chair has just ruled that the amendment offered by the gentleman from Virginia [Mr. JONES] does change the law in this, that it impairs the discretion lodged legislatively in the Secretary of the Treasury, under which discretion a binding legal contract was made. Now, as I understand, the gentleman's proposition having failed to strike out this appropriation, the gentleman from Tennessee comes in and offers this amendment, provided that this money shall not be paid until the new custom-house is finished and the deed is passed. It comes under both conditions that the Chair has referred to. In other words, it proposes that the money be appropriated, but that it be not paid until the contract is complete, whether it is one year or three years, or, as my friend claims, ten years. I am ready to have the Chair rule.

The CHAIRMAN. The Chair is of the opinion that the amendment offered by the gentleman from Tennessee [Mr. RICHARDSON]

is not new legislation and does not repeal existing law. It is true that the act referred to vests a discretion in the Secretary of the Treasury in reference to the terms of the contract which he shall make, but the Chair does not understand that it affects in any way the obligation of Congress in reference to making appropriations, and in accordance with the established decisions of this House the Chair is obliged to rule that this is a limitation, and therefore the Chair overrules the point of order.

Mr. CANNON. Let me see if I understand the Chair. Notwithstanding that this bill on its face, as reported, appropriates the money to pay this rent which is due, the Chair holds that the limitation by way of amendment offered by the gentleman from Tennessee that it shall not be paid, notwithstanding it is an appropriation, is in order. Well, I am not sure but that the decision of the Chair is right. Of course, if the committee do not want to pay the money, they can agree to the amendment. [Laughter.]

The CHAIRMAN. The Chair will say that he is very much gratified to be sustained by the gentleman from Illinois. [Laughter.]

Mr. RICHARDSON of Tennessee. Mr. Chairman, may we not have about ten minutes on this?

Mr. CANNON. I think we have talked about it until everybody understands it.

Mr. RICHARDSON of Tennessee. I do not care to speak again, but a gentleman who has not spoken, the gentleman from Georgia [Mr. FLEMING], a very clear-headed gentleman, wants a few minutes.

Mr. CANNON. It is a mere question whether the appropriation shall be made or not.

Mr. RICHARDSON of Tennessee. We do not want it to be made.

Mr. CANNON. If it is not to be made, your amendment will be adopted. If it is to be made and these people are to be paid, then the amendment will be voted down.

Mr. RICHARDSON of Tennessee. I was going to ask that the gentleman from Georgia [Mr. FLEMING] have a few minutes.

Mr. CANNON. I think we had better have a vote. We have talked all day about it.

Mr. RICHARDSON of Tennessee. The gentleman from Illinois has taken two or three minutes now to speak against my amendment.

Mr. STEELE. I call for the regular order.

The CHAIRMAN. Objection is made by the gentleman from Indiana [Mr. STEELE].

Mr. FLEMING. The gentleman from Illinois [Mr. CANNON] did not object.

The CHAIRMAN. Another gentleman did object. The question is on agreeing to the amendment offered by the gentleman from Tennessee [Mr. RICHARDSON].

The question being taken, on a division (demanded by Mr. RICHARDSON of Tennessee) there were—ayes 75, noes 75.

Mr. RICHARDSON of Tennessee. I ask for tellers.

Tellers were ordered; and the Chairman appointed Mr. CANNON and Mr. RICHARDSON of Tennessee.

The committee again divided.

The CHAIRMAN. The Chair would like to be considered as having gone between the tellers. On this question the ayes are 92 and the noes are 92, and the amendment is rejected.

Mr. LEVY. I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 6, line 4, after the word "cents," add the following: "Provided, That the balance of the purchase money shall be paid immediately to the United States by the City National Bank and deed to the property at once transferred to the said bank."

Mr. CANNON. To that I make the point of order that it changes existing law.

The CHAIRMAN. The gentleman from Illinois makes the point of order that the amendment changes existing law. Does the gentleman from New York wish to be heard?

Mr. LEVY. I do not think it changes the contract, and I think it would be fair to both sides.

The CHAIRMAN. Without entering upon any consideration of the equities of the provision or the financial questions involved, the Chair would hold that this amendment is obnoxious in the same way that the first amendment offered was obnoxious, as limiting the discretion vested in the Secretary of the Treasury by section 4 of the act of 1899, and therefore the Chair sustains the point of order.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. HILL having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also

informed the House that the President had approved and signed bills of the following titles:

On February 12, 1901:

H. R. 10664. An act granting permission to the Indians on the Grand Portage Indian Reservation, in the State of Minnesota, to cut and dispose of the timber on their several allotments on said reservation.

H. R. 10967. An act to authorize Arizona Water Company to construct power plant on Pima Indian Reservation in Maricopa County, Ariz.;

H. R. 12737. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1902, and for other purposes;

H. R. 10761. An act granting an increase of pension to Orville H. Cram;

H. R. 12284. An act to authorize the construction of a bridge across Rock River, Illinois;

H. R. 13437. An act providing for the construction of a bridge across the Yalobusha River, in Grenada County, State of Mississippi;

H. R. 13255. An act to authorize Jefferson County, Ark., to construct and maintain a free bridge across the Arkansas River within 5 miles of Pine Bluff, Jefferson County, Ark.; and

H. R. 2204. An act for the relief of William O. Eagle.

On February 13, 1901:

H. R. 8814. An act to provide for the entry of lands formerly in the Lower Brule Indian Reservation, S. Dak.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Light-house and fog-signal stations in Alaskan waters: To enable the Secretary of the Treasury to continue to establish, under the direction and supervision of the Light-House Board, light-house and fog-signal stations in Alaskan waters, \$350,000.

Mr. GAINES. Mr. Chairman, my attention was diverted while we passed this item for Porto Rican light-house establishment, and I ask unanimous consent to return to it.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to return to a paragraph of the bill.

Mr. CANNON. Which one?

Mr. GAINES. Page 17, lines 3 to 7.

Mr. CANNON. For what purpose? What is the gentleman's object?

Mr. GAINES. It is page 17, with reference to Porto Rican light-house establishment.

Mr. CANNON. What is the gentleman's object?

Mr. GAINES. I want to ask the chairman why it is this appropriation for this establishment is increased to \$75,000? It was \$60,000 a year ago that we appropriated, and now it is put at \$75,000.

Mr. CANNON. Well, this is purely a question of estimates and of inquiry, and we thought justified and requires the additional amount. The gentleman understands the service is new there to the United States.

Mr. GAINES. I could not hear what my friend from Illinois said.

Mr. CANNON. We asked for an additional estimate, not contained in the ordinary estimates, on the hearings. For supplies, \$19,000; repairs, incidental expenses, \$25,000; salaries of keepers of light-houses, \$16,000; expenses for buoyage, \$13,000; aggregating \$75,000. The committee made that recommendation. There was something additional on examination that I will not take the time to read. Suffice it to say that the committee was satisfied that the increased appropriation is justified for the coming years.

Mr. GAINES. Mr. Chairman, I would like to say a word or two right on that line, as the appropriation is to improve the navigation in and about Porto Rico.

Mr. CANNON. Oh, no; to improve the light-house service.

Mr. GAINES. That is the same thing.

The CHAIRMAN. The Chair desires to say to the gentleman from Tennessee that consent has not yet been given.

Mr. CANNON. Does my friend want to offer some amendment?

Mr. GAINES. I just wanted to make some observations with reference to the geographical position of Porto Rico.

Mr. CANNON. Can not my friend make them on some other clause just as well? But I have no objection. How much time does the gentleman want?

Mr. GAINES. Less than five minutes.

Mr. CANNON. I will yield five minutes to the gentleman.

The CHAIRMAN. Unanimous consent is asked to return to the paragraph indicated by the gentleman from Tennessee, and that he address the committee for five minutes. Is there objection? The Chair hears none.

Mr. GAINES. Now, Mr. Chairman, I desire for the information of the House to read from the Journal of the Military

Service Institution, of January, 1901, an article entitled "Porto Rico and a necessary military position in the West Indies," by Maj. W. A. Glassford, United States Volunteers, signal officer, Department of Porto Rico (captain, Signal Corps, United States Army).

The article is as follows:

The conquest of Porto Rico was not made on account of its strategic value; it was forced upon the United States by general political conditions, circumstances wholly disconnected with such a consideration. Having acquired the island, however, it is necessary to retain it. Our relations with other American governments now demand this occupation. It is therefore necessary to examine its value as a military post.

It is clear from the conditions obtaining in the island, with its dense population, extremely difficult interior communications, a long coast line, and an absence of ports for large vessels, that it can not be easily defended. The general structure of the island, consisting for the most part of steep mountain slopes, together with a wet climate, makes the construction and maintenance of many roads across it too expensive for the limited resources of the inhabitants, while any railroad must necessarily follow the coast line, and generally in a position exposed to the attack of an enemy.

At present, on account of bad roads, military forces are sent from one part of the island to another by sea transportation, which system of transportation could not be considered in case of a blockade. From the nature of the coast, and the total absence of harbors, with the exception of San Juan, fortification would be restricted to this one place. This harbor, moreover, is suitable only for the entrance and protection of vessels of light draft.

The island does not produce sufficient food for its million of inhabitants, and in view of the probable greater development of special cultures by the introduction of American capital, it is not likely to do so in the future. The products such as coffee, sugar, and tobacco must always first be exchanged for food supplies. Therefore food supplies will never be found in the island in sufficient quantity to enable the inhabitants to sustain a siege unless so accumulated for this special purpose. In case of war the food for a million of people for a considerable length of time would have to be provided in a climate where it is very difficult to preserve supplies. A blockade of Porto Rico without this special accumulation of food would produce an immediate famine.

Another consideration, which is not of inferior importance, is the fact that the defense of the island will always devolve upon the American soldier. It would be impossible under any circumstances to recruit a force among the natives which would be of any practical use in resisting invasion. The physical and mental qualities of the inhabitants unfit the greater part of them for the work of a soldier, and even if they were so fitted, they could not be relied upon. A strong garrison of American troops in Porto Rico will always be necessary for its defense against invasion and for the maintenance of public order. It is not while a strong garrison is here that there would be any likelihood of serious interior trouble, because no revolutionary force of any considerable power could in such a case be concentrated in any locality with sufficient supplies to last for a week; but if the garrison were to be withdrawn from the island a revolt would quickly follow.

So much for the defense of the island. Its value as a strategic point in the West Indies is evidently much diminished by the conditions above described. Neither Porto Rico nor any of its outlying islands possess harbors or estuaries suitable for the coaling of battleships. Consequently the possession may be said to be practically useless as a coaling station.

What would serve our purpose in a military point of view much better than Porto Rico in this part of the West Indies would be a well-protected deep harbor in some small island that contains few inhabitants, a point that can be fortified and supplied to resist a long siege.

Our real object now should be to establish a firm military line in the West Indies. Our recent acquisitions might at a first glance appear to furnish us the necessary sites for accomplishing this purpose, but a closer investigation reveals the necessity of the strong points of such a line being isolated from the population. By way of illustration, we may take Gibraltar, with its population of 14,000, besides the troops, which number may be cared for throughout a long siege by means of provisions previously accumulated and stored upon the rock. Such a provision for Porto Rico under similar circumstances could not be thought of for a moment, because of the greater number of its inhabitants. Consequently our flag in this part of the world, as well as Porto Rico, can best be defended by an isolated, strong position in the neighborhood. With such a position made impregnable, it may be concluded that were San Juan simply fortified against a sudden attack, and considering that Porto Rico possesses no military resources to attract an enemy and no harbors in which battle ships might be coaled and repaired, no probable enemy would care to waste his strength in capturing what could not possibly, under such circumstances, be of any use to him.

The island of St. Thomas offers conditions suitable for developing a first-class military outpost. This island possesses all the natural advantages enabling it to be converted into a second Gibraltar. The structure of this narrow island, with its long central ridge, having a general elevation of about a thousand feet, with some points 500 feet higher, is especially adapted for the emplacement of fortifications commanding both shores at the same time, making it extremely difficult for an enemy to approach or to obtain a foothold upon the island. The elevated ground in the immediate neighborhood of the excellent roadsteads which this island affords makes the question of harbor defense a comparatively easy one. This position, with its few inhabitants, could easily be provisioned for a long siege. The harbor of Charlotte Amelias and the numerous sheltered places about the island afford 6 and 7 fathoms of water; besides, this harbor and the roadsteads are on the southern side of the island completely protected from the prevailing strong winds. If this place were strongly fortified and provisioned it would be necessary for an enemy contemplating a descent upon Porto Rico to first take it into account.

This location, on the northeast rim of the Antilles, is in close proximity to many of the passages into the Caribbean Sea, and affords an excellent point of observation near European possessions in the archipelago. While being near other islands, St. Thomas is practically in the open ocean, and permits the entrance and egress of a fleet without its being observed. It is also a center of the West Indian submarine cable systems, being about midway between the Windward Passage and the Trinidad entrance to the Caribbean Sea.

The strategy of a position at St. Thomas in regard to an interoceanic canal across the Isthmus of Panama need not be specially explained further than to say that this point lies in the direct track of European traffic to the Isthmus and having the same distance as New York from nearly all the ports of Europe.

Mr. GAINES. Now, Mr. Chairman, we started out last year by making an appropriation of \$60,000. This year the distinguished chairman of the committee reports an appropriation of \$75,000 as necessary. I have great faith and confidence in the gentleman's

frugality as a public legislator, particularly as chairman of the Committee on Appropriations.

I desire to direct the attention of the House and the country to the fact that we have already increased the appropriation from \$60,000 to \$75,000, and this distinguished military writer says that we have no ports there for large ships, there is a total absence of harbors, and that fortifications must be restricted to San Juan.

Now, Mr. Chairman, we have this island upon our hands. We have already increased the appropriation for it, isolated as it is, without harbors, without any place for our vessels. He says that it is a weakness instead of strength for this Government as an outpost, and suggests in this article, and it is well digested, that we should go further and acquire some island nearby, not peopled, for the purpose of protecting the United States and this island. I say, Mr. Chairman, that when we begin to expand across or into the waters of the Atlantic and Pacific, each year additional enlarged appropriations must be had to take care of what we have. I have made this brief observation, citing this high authority, to show that expansion means not only bloodshed, increased Army, increased Navy, but increased internal tax laid on the people, who cry out against it, and increased expenditures each and every year to protect these islands that we have taken. It only gives proof and accentuates the position of the Democratic party, that expansion means expense of money and bloodshed as well.

The Clerk read as follows:

For pay of crews of surfmen employed at the life-saving and lifeboat stations, including the old Chicago station, and at the building erected on the grounds of the Pan-American Exposition, at Buffalo, N. Y., under authority of the act of Congress approved March 3, 1899, for an exhibit of the United States Life-Saving Service, at the uniform rate of \$65 per month each during the period of actual employment, and \$3 per day for each occasion of service at other times; compensation of volunteers at life-saving and lifeboat stations for actual and deserving service rendered upon any occasion of disaster or in any effort to save persons from drowning, at such rate, not to exceed \$10 for each volunteer, as the Secretary of the Treasury may determine; pay of volunteer crews for drill and exercise; fuel for stations and houses of refuge, repairs and outfits for same, rebuilding and improvement of same, including use of additional land where necessary; supplies and provisions for houses of refuge and for shipwrecked persons succored at stations; traveling expenses of officers under orders from the Treasury Department; commutation of quarters for officers of the Revenue-Cutter Service detailed for duty in the Life-Saving Service; for carrying out the provisions of sections 7 and 8 of the act approved May 4, 1882; for draft animals and their maintenance; for telephone lines and care of same; and contingent expenses, including freight, storage, rent, repairs to apparatus, labor, medals, stationery, newspapers for statistical purposes, advertising, and all necessary expenses not included under any other head of life-saving stations on the coasts of the United States, \$1,457,280.

Mr. CANNON. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Illinois, chairman of the committee, offers the following amendment, which the Clerk will report.

The Clerk read as follows:

On page 20, in line 6, strike out the word "sixty-seven" and insert in lieu thereof the word "seventy-two."

The amendment was agreed to.

The Clerk read as follows:

For establishing new life-saving stations and lifeboat stations on the sea and lake coasts of the United States, authorized by law, to be available until expended, \$55,000.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Illinois offers the following amendment, which the Clerk will report.

The Clerk read as follows:

On page 20, line 10, strike out the word "sixty-five" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The Clerk read as follows:

For surveys and necessary resurveys of the Pacific coast, including the Hawaiian Islands and Alaska and other coasts on the Pacific Ocean under the jurisdiction of the United States, to be immediately available and to continue available until expended, \$107,500.

Mr. KING. Mr. Chairman, I would like to ask the chairman of the committee how much of this, if any, is for surveys in the Philippine Islands; and if any, why he does not segregate the appropriation and designate the amount that is for the Hawaiian Islands, the amount to be appropriated for the surveys or resurveys in Alaska, and the amount requisite for surveys in the Philippine Islands?

Mr. CANNON. I will say to my friend that this is the same appropriation as that for the current year, and it is extended to the Hawaiian Islands because we own them. What amount will be expended there I do not know, for I am not advised.

Mr. KING. The gentleman says this is the amount for the current year?

Mr. CANNON. I believe so.

Mr. KING. He means the amount recommended by the Interior Department?

Mr. CANNON. The Treasury Department. I believe it is the

estimate in full. I will tell the gentleman in a minute. Yes; it is the same, and the estimate in full.

Mr. KING. Is any part of it for the survey of lands in the Philippine Islands?

Mr. CANNON. Not at all. The Philippine Islands, as the gentleman will understand, is on a different basis. The Army is collecting and disbursing the revenue in the Philippine Islands, and the disbursements are from the revenue collected there.

Mr. KING. That was my understanding, but the language I thought was a little broad, and I did not know whether it was the intention to limit it to Alaska and the Hawaiian Islands or to extend it to other possessions alleged to belong to the United States in the Orient.

Mr. CANNON. No; such was not the intention. I understand, in point of fact, that the Philippine surveys are all made from the revenues of that island.

Mr. KING. If the appropriation is merely for the purpose indicated by the gentleman, I have no objection, but if it was for surveys in the Philippine Islands I should move to strike it out.

Mr. CORLISS. Mr. Chairman, I wish to offer the following amendment, to be inserted at the end of line 12, page 25, with reference to a Pacific cable. It seems to me as proper at this point as at any other.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Amend by adding at the end of line 12, page 25, the following:

"That the President of the United States is hereby authorized to secure such concessions, lands, and rights as may be necessary to enable the United States to lay, maintain, and operate a submarine cable or cables and connecting land lines from the city of San Francisco, Cal., to the city of Honolulu, in the Hawaiian Islands, and thence to Manila, P. I., by way of Midway or Wake Island and the Island of Guam. And the President is hereby authorized to make contracts for the construction and laying of said submarine cable or cables, and in connection with the installation and operation of such cable system the President is authorized to utilize, if consistent with the public interests, the personnel and resources of the Army and Navy, and to employ such experts and other persons as may be deemed necessary in carrying into execution these provisions. That such cables shall be first class in material, construction, equipment, and operation and capable of transmitting not less than 130 letters per minute. They shall be of American manufacture and laid and maintained by ships flying the American flag.

"That for the purpose of carrying out these provisions the sum of \$500,000, to be immediately available, of the moneys now in the Treasury of the United States, is hereby appropriated, and the President is authorized to make contracts for the construction and laying of said cables for additional amounts, not to exceed in all \$10,000,000, to be hereafter appropriated by Congress. That when such telegraphic cable system, or any span thereof, is completed the operation and control thereof shall be transferred to the Postmaster-General, who shall have authority, in the interest of commerce and the public, to receive and transmit telegrams other than United States governmental messages, and shall establish a tariff not exceeding 25 cents per word between San Francisco and Honolulu and not exceeding 50 cents per word between San Francisco and Manila; and shall, from time to time, arrange in different classes telegraphic business offered, and fix differential tariffs or tolls therefor, with a view of working such cables to their full capacity and at the lowest possible tariff rates: *Provided*, That in any classification made in accordance with this provision, the official messages pertaining to the Government of the United States, or any Department thereof, or any of its States or dependencies, shall invariably take precedence over all other messages, and that ordinary press dispatches shall be sent at reduced rates, to be fixed by said executive officer: *Provided*, That in connection with such differential tariffs, said executive officer shall formulate such rules regarding unrouted messages as shall apply equitably to all American telegraphic corporations, and no discrimination in rates or privileges shall be made in favor of any individual, association, or corporation, telegraphic or otherwise.

"That the Postmaster-General shall establish a fund to be known as the 'Pacific cable fund,' into which all receipts derived from the revenues of the cable system shall be deposited, and any earnings over and above the necessary expenses for operation, maintenance, and repairs and for such provisions for indefinitely maintaining, as a permanent and continuous asset, the said telegraphic cables by substitution shall be paid into the Treasury of the United States. That for the promotion of our commercial and other interests the President of the United States is hereby authorized to enter into negotiations and establish international and governmental cable communications with Japan between the island of Luzon and Formosa, and with China between the island of Luzon and some commercially desirable Chinese port."

Mr. CANNON. Mr. Chairman, I shall be compelled to make a point of order on that. It is not authorized by existing law. However much I believe it to be desirable to have legislation that will result in a cable, or two cables, in fact, to the Philippines by the way of Honolulu, I think it ought to be considered in the House in Committee of the Whole and come from the proper committee after full consideration. So I feel compelled to make the point of order on the proposition.

Mr. CORLISS. Mr. Chairman, I discussed this question yesterday. I realize that if the point of order is made it must go out. I regret that it is made, but I shall not take the time to discuss it further.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

FISH COMMISSION.

Office of Commissioner: For Commissioner, \$5,000; chief clerk, \$2,400; stenographer to Commissioner, \$1,600; librarian, \$1,200; 1 clerk of class 4; 2 clerks of class 3; private secretary, \$1,200; 1 clerk, \$1,000; 2 clerks, at \$900 each; 1 engineer, \$1,060; 3 firemen, at \$600 each; 2 watchmen, at \$720 each; 4 janitors and messengers, at \$800 each; 1 janitress, \$240; 1 messenger, \$240; in all, \$29,640.

Mr. OLMSTED. Reserving the point of order, I wish to ask

the gentleman from Illinois whether all these employees of the Fish Commission are authorized by law?

Mr. CANNON. I suppose they are, as connected with the work of the Fish Commission, which is authorized by law.

Mr. OLMSTED. I will not make any point of order against this "janitress."

Mr. CANNON. I do not believe the provision is subject to any point of order. There is a provision, to which I call the gentleman's attention, for general expenses, which would be available for janitors.

This is a service that is pretty near to the heart of a great many people. It is a very valuable service in many respects. If the gentleman wants to make any point of order on this whole business I will say to him that on account of its popularity it is, perhaps, as extravagant a service as can be found anywhere in the work of the Government.

Mr. OLMSTED. And probably it is growing more and more expensive every year. But I will not make any point of order against the provision.

Mr. GAINES. The part of the bill which we have now under discussion has reference to appropriations for the work of the Fish Commission. On this point I would like to make an inquiry. According to my information—and if I am mistaken I should like to be corrected—the offices of the Fish Commissioners, and the machinery pertaining thereto, are located upon ground which, although originally laid out for a park by George Washington, was, under a bill that we passed a few days ago, donated to a railroad company. I would like to know whether the Fish Commission building and its appurtenances are to be removed, and whether this is an appropriation to do it?

Mr. CANNON. This is not an appropriation to do it. Whether such removal is to be made, and when it is to be made and where, I will frankly say I do not know. I can say to the gentleman, however, that there is no appropriation in this bill for that purpose.

Mr. GAINES. Is it the information of the gentleman that the headquarters of the Fish Commission on these grounds are to be removed?

Mr. CANNON. I really do not know.

The Clerk read as follows:

Wytheville, Va., Station: Superintendent, \$1,500; foreman, \$900; fish-culturist, \$600; laborer, \$540; in all, \$3,960.

Mr. OLMSTED. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert as a new paragraph after line 6, page 39, the following:

"For the establishment of a station at Middletown, Pa., including the purchase of necessary land, \$20,000.

Mr. CANNON. I wish my friend would not offer that amendment—

Mr. OLMSTED. If the point of order can be reserved just a moment—

Mr. CANNON. Certainly.

Mr. OLMSTED. I wish merely to say that in the great Commonwealth of Pennsylvania, which has more lakes and streams than almost any other State in the Union, and well adapted to the purpose, there is no fish-culture station. I think we are entitled to one.

Mr. CANNON. I will tell my friend what I will agree to do, or help him to work out. If he will manage in some way to secure the establishment of a mint in Illinois, at Chicago or Danville—I should prefer Danville [laughter]—he may have this fish station.

Mr. PAYNE. I object to an agreement of this kind. [Laughter.]

The CHAIRMAN. Does the gentleman from Illinois make a point of order upon the amendment?

Mr. CANNON. Very reluctantly, I feel constrained to do so. [Laughter.]

The CHAIRMAN. The Chair sustains the point of order.

Mr. MORRIS. I move that the committee rise.

Mr. CANNON. Let us go on for five or ten minutes more.

Mr. MORRIS. I make that motion.

Mr. CANNON. The gentleman of course has the right to make the motion, but, before the committee rises, I would like to get through these paragraphs in regard to the Fish Commission.

Mr. MORRIS. How long will it take?

Mr. CANNON. I think we can get through in ten minutes.

Mr. MORRIS. I withdraw the motion.

The Clerk read as follows:

Employees at large: Two field-station superintendents, at \$1,800 each; 2 fish-culturists, at \$900 each; 2 fish-culturists, at \$900 each; 5 machinists, at \$900 each; 2 coxswains, at \$720 each; in all, \$13,500.

Mr. OLMSTED. I make a point of order upon this paragraph.

Mr. CANNON. Will the gentleman state his point of order?

Mr. OLMSTED. My point is that the appropriations embraced in the paragraph are not authorized by existing law.

Mr. CANNON. These appropriations are of many years standing.

Mr. OLMSTED. There may have been appropriations of this kind made—

Mr. MOODY of Massachusetts. For nine successive years.

Mr. OLMSTED. I submit, however, that this paragraph stands upon the same footing as that upon which a point of order was raised by the gentleman from Arkansas [Mr. McRAE] on March 28, 1900, the provision then in question being an appropriation for 9 clerks at \$1,800 per annum each, under the heading "Pay to clerks and messengers at department headquarters and at headquarters of the Army." After considerable discussion, the gentleman from New York [Mr. SHERMAN] being in the chair, he sustained the point of order, basing his opinion upon an opinion of the Attorney-General of the United States, which is as follows:

The several Executive Departments are by law established at the seat of government; they have no existence elsewhere. Only those bureaus and offices can be deemed bureaus or offices in any of these Departments which are constituted such by the law of its organization. The Department, with its bureaus or offices, is in contemplation of the law an establishment distinct from the branches of the public service and the offices thereof which are under its supervision. Thus, the office of postmaster or of collector of internal revenue or of pension agents or of consuls is not properly a departmental office—not an office in the Department having supervision over the branch of the public service to which it belongs. True, an official relation exists here between the office and the Department, one, moreover, of subordination of the former to the latter, but this does not make the office a part of the Department.

And although the clerks therein provided were to be appointed by the Secretary of War, the gentleman then occupying the chair [Mr. SHERMAN] ruled it out of order on the ground that there was no previous authority of law authorizing their employment. Now, I want to call attention to the act of Congress which was discussed at that time. It is section 153 of the Revised Statutes:

The clerks in the Departments shall be arranged in four classes, distinguished as the first, second, third, and fourth classes.

Then section 169:

Each head of a Department is authorized to employ in his Department such number of clerks of the several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employees, and at such rates of compensation, respectively, as may be appropriated for by Congress from year to year.

Now, it was contended in that case that the clerks at Department headquarters employed by the Secretary of War were properly employees of his Department; but, as I have stated, basing his ruling upon an opinion of the Attorney-General of the United States, the chairman sustained the point of order. I want to call attention to the further provision that the Fish Commission is not a Department under this act, which distinctly states that—

The provisions of this title shall apply to the following Executive Departments:

- First. The Department of State.
 - Second. The Department of War.
 - Third. The Department of the Treasury.
 - Fourth. The Department of Justice.
 - Fifth. The Post-Office Department.
 - Sixth. The Department of the Navy.
 - Seventh. The Department of the Interior.
- The word "Department," when used alone in this title—

And the following titles—

means one of the Executive Departments enumerated in the preceding section.

So the Fish Commissioner's office is not a Department within that statute, and unless there can be found some express authority of law for the employment by him of these clerks and assistants to operate, not even in his office, but as employees at large—field-station superintendents, 5 machinists, 2 fish-culturists, etc.—I say, unless there is authority of law for them the paragraph is subject to the point of order which I have made. The War Department is clearly a "Department" within the meaning of that statute, but even it, as ruled, can not have an appropriation for clerks away from Washington. The Fish Commissioner is not the head of a statutory "Department," and, in any event, the employees covered by this paragraph are not to perform their services "in his Department," but are expressly declared to be "employees at large."

Mr. CANNON. Just a single word. The sections of the Revised Statutes to which the gentleman has referred do not apply to this class of employees. In the case that he gave, the Chair very properly held that the clerks referred to there were not authorized from the departmental standpoint, and therefore that there was no law authorizing an increase of their salaries. My recollection is, and the gentleman from Iowa [Mr. HULL] will correct me if I am wrong, that these clerks were appropriated for and had been for many years in the Army bill at \$1,400 a year, or about that, and this was a proposition not to appropriate for those clerks at \$1,400 a year, but to appropriate for a like or greater number at \$1,800 a year. Now, I think the point of order was properly sustained upon that matter.

Touching this service, the Chair is aware, without my taking time to read it, that there is a Fish Commission service, and you can not have a Fish Commission service to operate your hatcheries and do all other things that are necessary without money

and without employees. So that this is an incident to that service, and for nine years this item has been in the bill.

I want to say further, that if the point of order is good to the field-station superintendents it is good to every other employee appropriated for after you leave the Fish Commissioner himself. The provision is precisely as it has been for many years, and might be said to be a public work in progress, provided the Chair wanted the authority under the rule to overrule this point of order.

The CHAIRMAN (Mr. HOPKINS). The Chair will state to the gentleman from Illinois that in the opinion of the Chair this is quite an important question, and if the Chair may assume to ask the committee to rise, it would enable the Chair to examine the question to-night and not pass upon it at the present time.

Mr. CANNON. In one moment. I should be glad if the gentleman from Massachusetts [Mr. MOODY] may have a moment, and then I will move that the committee rise.

Mr. MOODY of Massachusetts. Mr. Chairman, the only purpose for which I wanted a minute was to call the attention of the Chair to the statute under which the commission is established and operates. It is sections 4395 to 4398, inclusive.

Let me say to the Chair that the first section, which provides for the appointment of a Fish Commissioner who shall serve without salary, has been modified in respect to the salary, but otherwise I understand the law to be the same to-day as it is found in the Revised Statutes.

Mr. CANNON. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. PAYNE having taken the chair as Speaker pro tempore, Mr. HOPKINS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 14018) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes, and had come to no resolution thereon.

UNITED STATES NAVAL FORCES IN WAR WITH SPAIN.

The SPEAKER laid before the House the following message from the President of the United States; which was ordered to be printed, and referred to the Committee on Naval Affairs:

To the Senate and House of Representatives:

During our recent war with Spain the United States naval force on the North Atlantic Station was charged with varied and important duties, chief among which were the maintenance of the blockade of Cuba, aiding the Army in landing troops and in subsequent operations, and particularly in the pursuit, blockade, and destruction of the Spanish squadron under Admiral Cervera.

This naval campaign, embracing objects of wide scope and grave responsibilities, was conducted with great ability on the part of the commander in chief and of the officers and enlisted men under his command. It culminated in the annihilation of the Spanish fleet in the battle of July 3, 1898, one of the most memorable naval engagements in history.

The result of this battle was the freeing of our Atlantic coast from the possibilities to which it had been exposed from Admiral Cervera's fleet and the termination of the war upon the seas.

I recommend that, following our national precedents, especially that in the case of Admiral Dewey and the Asiatic Squadron, the thanks of Congress be given to Rear-Admiral William T. Sampson, United States Navy, and to the officers and men under his command, for highly-distinguished conduct in conflict with the enemy and in carrying on the blockade and naval campaign on the Cuban coast, resulting in the destruction of the Spanish fleet at Santiago de Cuba, July 3, 1898.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, February 14, 1901.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 12258. An act granting a pension to John H. Doremus; and

H. R. 13058. An act granting an increase of pension to Ezra S. Pierce.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1792. An act granting a pension to Martha C. M. Fisher; and

S. 3376. An act granting an increase of pension to James M. Fry.

And then, on motion of Mr. CANNON (at 5 o'clock and 37 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General submitting an estimate of deficiency appropriation for printing and binding in the Department of Justice—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General submitting an es-

timate of appropriation for salaries of district judges—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of deficiency appropriation for public-land service—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a statement of the expenditures in the Coast and Geodetic Survey for the year ended June 30, 1900—to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioner-General of Immigration relating to the necessity of extending the time in which Chinese residents of the Hawaiian Islands may be registered—to the Committee on the Territories, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. OTEY, from the Committee on Claims, to which was referred the joint resolution of the House (H. J. Res. 296) to authorize certain officers of the Treasury Department to audit, certify, and pay claims of certain counties of Arizona, reported the same without amendment, accompanied by a report (No. 2894); which said joint resolution and report were referred to the Private Calendar.

Mr. PARKER of New Jersey, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 425) for the relief of John M. Davis, reported the same without amendment, accompanied by a report (No. 2896); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2281) for the relief of Charles Stierlin, reported the same without amendment, accompanied by a report (No. 2898); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. PARKER of New Jersey, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 631) to reappoint Warren C. Beach a captain in the Army, and to place him on the retired list in addition to the number now authorized, reported the same adversely, accompanied by a report (No. 2895); which said bill and report were ordered to lie on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 6545) for the relief of Capt. George A. Armes, reported the same adversely, accompanied by a report (No. 2897); which said bill and report were ordered to lie on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. EDDY: A bill (H. R. 14191) authorizing the Secretary of the Interior to appear in suits brought by States relative to school lands—to the Committee on the Public Lands.

By Mr. WILSON of Idaho: A bill (H. R. 14192) to authorize the construction of reservoirs for the storage of water and for other hydraulic works for the reclamation of the arid public lands, and for other purposes—to the Committee on Irrigation of Arid Lands.

By Mr. WANGER: A resolution (H. Res. 416) to pay George W. Harmer additional salary—to the Committee on Accounts.

By Mr. SHERMAN (by request): A resolution (H. Res. 417) to pay Charles E. Glynn \$35.71 as clerk to the late Representative Albert D. Shaw—to the Committee on Accounts.

By Mr. NAPHEN: A resolution (H. Res. 418) calling on the Secretary of the Treasury for information regarding the exportation of horses, mules, and military supplies for use of the British army in South Africa—to the Committee on Foreign Affairs.

By Mr. WILSON of Arizona: Memorial of the legislature of Arizona, urging speedy admission into the Union—to the Committee on the Territories.

By Mr. TONGUE: Memorial of the legislature of Oregon, in favor of pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. LAMB: Resolution of the general assembly of Virginia, favoring the establishment of a school of mines in the several States—to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BULL: A bill (H. R. 14193) granting a pension to William A. Luther—to the Committee on Invalid Pensions.

By Mr. KERR of Maryland: A bill (H. R. 14194) for the relief of Benjamin T. Hooper and Marcellus Aaron—to the Committee on War Claims.

By Mr. OVERSTREET: A bill (H. R. 14195) granting an increase of pension to Charles N. Lee—to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 14196) granting a pension to Henriette Salomon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14197) to reimburse Scott P. Stewart and Andrew J. Stewart, jr., for extra surveys of the public lands in the State of Utah—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of citizens of Coraopolis and Nanticoke; Methodist Episcopal Ministers' Association of Pittsburg; Woman's Foreign Missionary Society of the Presbyterian Church of Philadelphia; R. H. Coulter and others, of Pennsylvania, favoring the passage of the Gillett bill for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

Also, petition of McKees Rocks Lodge, No. 321, Brotherhood of Railroad Trainmen, in opposition to certain amendments to House bill No. 8917, known as the anti-injunction bill—to the Committee on the Judiciary.

By Mr. ADAMS: Petition of Julia M. Turner and others, of Philadelphia, Pa., favoring the exclusion of alcoholic liquors from countries inhabited chiefly by native races—to the Committee on Alcoholic Liquor Traffic.

By Mr. DALZELL: Petition of Presbyterian women in Pennsylvania, in behalf of the passage of the Gillett bill—to the Committee on Alcoholic Liquor Traffic.

By Mr. GRAHAM: Petition of C. E. Hills and others, of Ben Avon, Pa., and Lucian Clark, Mrs. J. E. Gilbert, Mrs. Mary G. Emery and others, of Washington, D. C., in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

Also, petition of Woman's Foreign Missionary Society of the Presbyterian Church, Philadelphia, Pa., urging the passage of House bill No. 12551, for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Hall & Ruckel, of New York, for the repeal of the special tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. GRIFFITH: Petition of R. A. Kemp and other citizens, of Rising Sun, Ind., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. GROSVENOR: Protest of citizens of Amesville, Ohio, against the traffic in alcoholic liquors, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. HALL: Petition of citizens of Penfield, Pa., for the prohibition of intoxicating liquors in certain islands—to the Committee on Alcoholic Liquor Traffic.

By Mr. HOWELL: Resolutions of Cigar Makers' Union of New Brunswick, N. J., advocating the holding of public lands in the West for the benefit of the people—to the Committee on the Public Lands.

Also, petition of Rev. Albert Reed and others, of Kingston, N. J., urging the banishment of the liquor traffic in Africa—to the Committee on Alcoholic Liquor Traffic.

By Mr. JACK: Petition of Woman's Christian Temperance Union of Homer City, Pa., and Woman's Foreign Missionary Society of the Presbyterian Church of Philadelphia, Pa., relative to alcoholic trade in the islands of the Pacific, and to prevent the sale of opium, intoxicants, etc., to undeveloped and child-like races—to the Committee on Alcoholic Liquor Traffic.

By Mr. KETCHAM: Petition of Woman's Christian Temperance Union of Gardiner, N. Y., favoring the passage of the Gillett and Littlefield bills for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. LACEY: Resolutions of the Iowa Wholesale Butter and Egg Dealers' Association, favoring the repeal of stamp tax on checks, drafts, etc.—to the Committee on Ways and Means.

Also, petition of J. M. Woodrow and others, of Newton, Iowa, favoring the exclusion of alcoholic liquor from countries inhabited chiefly by native races—to the Committee on Alcoholic Liquor Traffic.

By Mr. LLOYD: Petitions of S. M. Carter and other citizens of

Hannibal, Kirksville, Shelbina, and Wyaconda, Mo., favoring the repeal of stamp tax on checks and drafts and reduction of tax on banking capital—to the Committee on Ways and Means.

By Mr. LOVERING: Petitions of 9 Woman's Christian Temperance Unions of Massachusetts, favoring the passage of the Gillett bill for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. MCCLEARY: Petition of the First National Bank of St. James, Minn., favoring the repeal of stamp tax on checks and drafts and the tax on banking capital—to the Committee on Ways and Means.

By Mr. MERCER: Protest of J. C. Robinson, of Waterloo, Nebr., relative to the reduction of war-revenue tax—to the Committee on Ways and Means.

By Mr. OTJEN: Resolution of Meteor Lodge, No. 432, International Association of Machinists, relating to the reclamation and settlement of Government lands—to the Committee on the Public Lands.

By Mr. OVERSTREET: Papers to accompany House bill granting an increase of pension to Charles N. Lee—to the Committee on Invalid Pensions.

By Mr. RAY of New York: Petition of the Woman's Christian Temperance Union of Deposit, N. Y., for the prohibition of intoxicating liquors in certain islands—to the Committee on Alcoholic Liquor Traffic.

By Mr. RIORDAN: Petition of the American Association of Chewing Gum Manufacturers, for the abolition of certain stamp taxes—to the Committee on Ways and Means.

By Mr. RUSSELL: Petition of Carpenters and Joiners' Union No. 133, of New London, Conn., to preserve public lands for actual settlers and house builders—to the Committee on the Public Lands.

By Mr. RYAN of New York: Petition of Hall & Ruckel, of New York City, for the repeal of the tax under Schedule B of the war-revenue act—to the Committee on Ways and Means.

By Mr. UNDERWOOD: Petition of Woman's Christian Temperance Union of Dobbs Ferry, N. Y., urging the passage of the Gillett bill protecting the New Hebrides from intoxicants—to the Committee on Alcoholic Liquor Traffic.

By Mr. WANGER: Petition of Woman's Foreign Missionary Society of the Presbyterian Church of Philadelphia, Pa., favoring the passage of the Gillett bill for the protection of native races in our islands against intoxicants and opium—to the Committee on Insular Affairs.

By Mr. YOUNG: Petition of Presbyterian women in Pennsylvania, favoring the Gillett bill—to the Committee on Alcoholic Liquor Traffic.

SENATE.

FRIDAY, February 15, 1901.

Rev. J. J. DOLLIVER, of Fort Dodge, Iowa, offered the following prayer:

We thank Thee, O Lord, for the blessings of the morning, for health and strength, food and raiment. And above all, we thank Thee that the lines have fallen to us in such pleasant places. Surely we have a goodly heritage. Help us so to take heed to our ways and number our days that we may apply our hearts unto wisdom and live with reference to eternity.

We pray Thy blessings upon our land and country, the land we love the best. Make our great men good men, God-fearing and God-loving men. May our liberties, civil and religious, still be perpetuated and the God of our fathers still reign over us.

We pray Thy blessing upon the President of the United States. Endow him with wisdom from on high, and may all his doings and sayings be for Thy glory. Bless his constitutional advisers.

And we pray Thy blessing upon this branch of our Government. May Senators here be indued with heavenly wisdom. May they realize and know that the wisdom of this world is foolishness with God. May they have the wisdom that cometh down from above, that they may so transact the business in their hands that they may meet the Divine approval and hear at last the approval, "Well done, good and faithful servant."

Guide and direct us along life's checkered pathway; and when our race is run and our work is done, hand us to a peaceful grave, and in the morning of eternity own and crown us Thine forever. In Christ Jesus. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

ORDNANCE AND ORDNANCE STORES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from